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LEGISLATIVE HISTORY

Public Law 86-587

S. 3485

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INDEX AND SUMMARY OF S. 3485

May	5, 1960	Sen. McClellan introduced S. 3485 which was referred to the Senate Government Operations Committee. Print of bill.
May	17, 1960	Rep. Kilgore introduced H. R. 12273 which was referred to the House Government Operations Committee. Print of bill.
June	8, 1960	House subcommittee voted to report H. R. 12273.
June	14, 1960	Senate committee voted to report (but did not actually report) S. 3485.
June	15, 1960	House committee reported H. R. 12273 with amendment. H. Report No. 1879. Print of bill and report. Senate committee reported S. 3485 without amendment. S. Report No. 1584. Print of bill and report.
June	18, 1960	Senate passed S. 3485 without amendment.
June	24, 1960	House passed S. 3485 without amendment in lieu of H. R. 12273. H. R. 12273 laid on the table due to the passage of S. 3485.
July	5, 1960	Approved: Public Law 86-587.

DIGEST OF PUBLIC LAW 86-587

PAYMENT OF TRAVEL COSTS FOR FEDERAL APPOINTEES. Amends the Administrative Expenses Act of 1946 so as to authorize the payment of travel and transportation costs of persons (from their places of actual residence at time of selection or promotion to their duty station) appointed, and of student trainees when promoted upon completion of college work, to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage. Provides that travel and transportation expenses may be allowed whether the person selected has been appointed or not at the time of such travel. Provides that such expenses shall not be allowed unless the person selected or promoted agrees in writing to remain in the Government service for twelve months following his appointment or selection.

86TH CONGRESS
2D SESSION

S. 3485

IN THE SENATE OF THE UNITED STATES

MAY 5, 1960

Mr. McCLELLAN (by request) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsections (b) to (d), inclusive, of section 7 of the
4 Administrative Expenses Act of 1946 (60 Stat. 808, as
5 amended, 5 U.S.C. 73b-3) are amended to read as follows:

6 “(b) Appropriations for the departments shall be avail-
7 able in accordance with regulations prescribed by the Presi-
8 dent, for expenses of travel of persons appointed, and of

1 student trainees when promoted upon completion of college
2 work, to positions in the United States for which there is
3 determined by the Civil Service Commission to be a man-
4 power shortage, and for expenses of transportation of their
5 immediate families and their household goods and personal
6 effects and for advances of funds to the extent authorized by
7 section 1 (a) and (b) of this Act, from their places of actual
8 residence at time of selection or promotion to their duty
9 station. Travel and transportation expenses shall not be paid
10 upon promotion of a student trainee after completion of col-
11 lege work if such expenses were paid upon his appointment
12 as a student trainee. Such travel expenses may include per
13 diem and mileage allowance as provided for civilian officers
14 and employees by the Travel Expense Act of 1949, as
15 amended. Travel and transportation expenses may be al-
16 lowed whether the person selected has been appointed or not
17 at the time of such travel. However, the travel and trans-
18 portation expenses authorized by this subsection shall not
19 be allowed unless the person selected or promoted shall agree
20 in writing to remain in the Government service for twelve
21 months following his appointment or promotion unless
22 separated for reasons beyond his control and acceptable to the
23 department or agency concerned. In case of violation of
24 such agreement, any moneys expended by the United States
25 on account of such travel and transportation shall be recover-

1 able from the individual concerned as a debt due the United
2 States.

3 “(c) The authority of the Civil Service Commission to
4 determine for purposes of this Act positions for which there
5 is a manpower shortage shall not be delegated.

6 “(d) Nothing contained in this section shall impair or
7 otherwise affect the authority of any department under exist-
8 ing law to pay travel and transportation expenses of persons
9 designated in subsection (b) hereof.”

10 SEC. 2. This Act shall take effect as of August 25, 1960.

A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

By Mr. McClellan

MAY 5, 1960

Read twice and referred to the Committee on
Government Operations

86TH CONGRESS
2D SESSION

H. R. 12273

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 1960

MR. KILGORE introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 7 of the Administrative Expenses Act of 1946
4 (60 Stat. 808, as amended, 5 U.S.C. 73b-3) is further
5 amended by inserting “(a)” after the section number and
6 adding at the end thereof new subsections as follows:

7 “(b) Appropriations for the departments shall be avail-
8 able in accordance with regulations prescribed by the Presi-
9 dent, for expenses of travel of persons appointed, and of

1 student trainees when promoted upon completion of college
2 work, to positions in the United States for which there is
3 determined by the Civil Service Commission to be a man-
4 power shortage, and for expenses of transportation of their
5 immediate families and their household goods and personal
6 effects and for advances of funds to the extent authorized by
7 section 1 (a) and (b) of this Act, from their places of
8 actual residence at time of selection or promotion to their
9 duty station. Travel and transportation expenses shall not
10 be paid upon promotion of a student trainee after comple-
11 tion of college work if such expenses were paid upon his
12 appointment as a student trainee. Such travel expenses
13 may include per diem and mileage allowance as provided
14 for civilian officers and employees by the Travel Expense
15 Act of 1949 as amended. Travel and transportation expenses
16 may be allowed whether the person selected has been ap-
17 pointed or not at the time of such travel. However, the
18 travel and transportation expenses authorized by this sub-
19 section shall not be allowed unless the person selected or
20 promoted shall agree in writing to remain in the Govern-
21 ment service for twelve months following his appointment
22 or promotion unless separated for reasons beyond his control
23 and acceptable to the department or agency concerned. In
24 case of violation of such agreement, any moneys expended
25 by the United States on account of such travel and trans-

1 portation shall be recoverable from the individual concerned
2 as a debt due the United States.

3 “(c) The authority of the Civil Service Commission to
4 determine for purposes of this Act positions for which there
5 is a manpower shortage shall not be delegated.

6 “(d) Nothing contained in this section shall impair or
7 otherwise affect the authority of any department under exist-
8 ing law to pay travel and transportation expenses of persons
9 designated in subsection (b) hereof.”

10 SEC. 2. This Act shall take effect as of August 25, 1960.

A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

By Mr. KUGORE

MAY 17, 1960

Referred to the Committee on Government Operations

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of June 8, 1960
86th-2d, No. 104

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HIGHLIGHTS: Senate began debate on wheat bill. Senate passed multiple use forestry management bill. Senate subcommittee voted to report housing bill. House conferees appointed on agricultural appropriation bill.

SENATE

- 1. WHEAT.** Began debate on S. 2759, the Ellender wheat bill (see Digest 80 for a summary of the provisions of the bill) (pp. 11232-50). Agreed to a technical amendment by Sen. Johnston to renumber certain sections of the bill (p. 11238). Agreed to a unanimous-consent request by Sen. Johnson to limit debate on any amendment to 1 hour, and to limit debate on the question of final passage to 2 hours (p. 11236). Several Senators submitted amendments intended to be proposed to the bill (p. 11202).
- 2. FORESTRY.** Passed without amendment H. R. 10572, to direct the Secretary of Agriculture to administer the national forests for multiple use and sustained yield of their several products and services. The bill provides recognition in one single statute that the national forests provide watershed, timber, range, outdoor recreation, and fish and wildlife values, and declares that it is the policy of the Congress that the national forests are established and are to be administered for such purposes. This bill will now be sent to the President. pp. 11212-22
- 3. HOUSING.** The Housing Subcommittee of the Banking and Currency Committee voted to report to the full committee an omnibus housing authorization bill. The "Daily Digest" states that, as approved by the subcommittee, the bill "would provide total funds of \$1.58 billion, which sum would include (1) \$500 million for

college housing, (2) \$350 million for urban renewal, (3) \$100 million for public facility loans, and (4) \$175 million for FNMA special assistance program, of which \$150 million would be for the President's fund, and \$25 million for the cooperative program." p. D520

4. FOREIGN AID. Sen. Humphrey urged support for his proposal to establish a White Fleet of mercy ships to provide emergency relief, including food supplies, to disaster areas abroad. pp. 11228-9

HOUSE

5. AGRICULTURAL APPROPRIATION BILL, 1961. House conferees were appointed on this bill, H. R. 12117, (with permission granted to file report by midnight tonight, June 9. (p. 11252)). Senate conferees have been appointed.
6. FOREIGN AID. The Banking and Currency Committee reported without amendment H. R. 11001, to provide for the participation of the U. S. in the International Development Association (H. Rept. 1766). p. 11305
7. WATER RESOURCES. The Public Works Committee reported without amendment H. R. 12467, granting the consent and approval of Congress to the northeastern water and related land resources compact (H. Rept. 1767). p. 11305
8. INTERNATIONAL DAM. The Rules Committee granted a rule for the consideration of H. R. 12263, to authorize the conclusion of an agreement for the joint construction by the U. S. and Mexico of a major international storage dam on the Rio Grande. pp. 11297, 11305
9. BANKING AND CURRENCY. The Banking and Currency Committee voted to report (but did not actually report) H. R. 12346, to extend for two years the authority of the Federal Reserve banks to purchase U. S. obligations directly from the Treasury. p. D522
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10. PERSONNEL. A subcommittee of the Government Operations Committee voted to report to the full committee H. R. 12273, to provide for the payment of travel and transportation costs for persons selected for appointment to certain Federal positions. p. D522
- A subcommittee of the Post Office and Civil Service Committee voted to report to the full committee S. 2857, to amend the Civil Service Retirement Act so as to provide for refunds of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such Act. p. D523
11. PURCHASING; CONTRACTS. The Subcommittee on Executive and Legislative Reorganization of the Government Operations Committee voted to report to the full committee H. R. 12496, to amend the "Anti-Kickback" statute to extend its provisions to all negotiated contracts. p. D522
12. FARM PROGRAM. The "Daily Digest" states that the Rules Committee "held a hearing but took no action to grant a rule" on H. R. 12261, the Poage farm bill. p. D523
13. HEALTH BENEFITS. Rep. Teller criticized the Civil Service Commission's administration of the Federal Employees Health Benefits Act, stating that the Commission "has ignored Secretary Flemming's facts of medical costs in creating this monstrosity of plans -- each of them ... more expensive than parallel coverage now carried under private and group coverage ... Federal Workers," and suggests

SENATE

13. HOUSING. The Banking and Currency Committee reported an original bill S. 3670, to extend and amend laws relating to housing (S. Rept. 1575) (pp. 11604-5). The "Daily Digest" states that the bill "would authorize approximately \$1.3 billion, including (1) \$350 million for urban renewal, (2) \$150 million for a 1-year extension for GI direct loans, (3) \$500 million for college housing, (4) \$100 million for public facilities loans, (5) \$25 million for direct loans for the elderly, and (6) \$50 million for direct loans for farmers" (p. D646). The committee approved with amendment S. 3292, to provide for the establishment of a Department of Housing and Metropolitan Affairs. p. D546
14. LABOR-HEW APPROPRIATION BILL, 1961. The Appropriations Committee reported with amendments this bill, H. R. 11390 (S. Rept. 1576). p. 11604
15. DEFENSE PRODUCTION. The Banking and Currency Committee reported with amendment H. R. 12052, to extend the Defense Production Act of 1950 (S. Rept. 1573). p. 11604
16. PERSONNEL. The Government Operations Committee reported without amendment S. 3486, to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to Federal civilian officers and employees, where warranted and under such regulations as the President may prescribe (S. Rept. 1570). p. 11604
- The Government Operations Committee voted to report (but did not actually report) S. 3485, to provide for the payment of travel and transportation costs for persons selected for appointment to certain positions in the U. S. p. D547
17. LANDS. The Interior and Insular Affairs Committee reported without amendment H. R. 11706, to authorize an extension of time for final proof under the desert land laws under certain conditions (S. Rept. 1568). p. 11604
18. CONTRACTS. The Government Operations Committee voted to report with amendment (but did not actually report) S. 3487, to amend the "Anti-Kickback Statute" to extend it to all negotiated contracts. p. D546
19. INFORMATION; PUBLICATIONS. The Government Operations Committee voted to report (but did not actually report) S. 3579, to authorize Government agencies to pay in advance for required publications. p. D547
20. VEHICLES. The Government Operations Committee voted to report (but did not actually report) with amendment H. R. 766, to amend existing laws so as to modify the strict penalty provision in title 5, U. S. Code, for the use of Government-owned vehicles and aircraft for other than official purposes and give to the heads of Departments or agencies the discretion of fixing the disciplinary action in any given case. p. D547
21. SURPLUS PROPERTY. The Government Operations Committee deferred action on S. 3493, to authorize the use of surplus personal property by State distribution agencies. p. D547
22. FOREIGN AGRICULTURAL SERVICE. Sen. Aiken praised the work of the Foreign Agricultural Service of this Department, particularly its administration of the Public Law 480 program, stating that the virtue of the Service "that impresses me is the manner in which it operates with its limited amount of personnel and budget expense," and that it "deserves a vote of thanks from the American people and the Congress." pp. 11619-21

23. RESEARCH; SCIENTIFIC INFORMATION. The Government Operations Committee reported a resolution for the printing of additional copies of the report, "Documentation, Indexing, and Retrieval of Scientific Information." p. 11605
24. FOREIGN TRADE. Sen. Javits spoke in favor of a resolution to create a Commission on International Trade to study the influence of foreign trade upon the U. S. economy. p. 11609
25. SUGAR. Sen. Young, N. Dak., urged enactment of legislation to extend the Sugar Act and to give greater sugar quotas to U. S. farmers, and inserted an article discussing current conditions in Cuba. pp. 11610-12
26. DEPRESSED AREAS; UNEMPLOYMENT. Sen. Prouty inserted and commended a release of OCDM announcing a revised policy dealing with the placement of Government contracts and Government-financed facilities in areas of high unemployment. p. 11612
27. FOREIGN AFFAIRS. Sen. Kennedy discussed various aspects of our foreign affairs, and stated that "agricultural experts must be sent into areas where the land is unproductive and where modern methods of agriculture are unknown ..." pp. 11629-36
28. WHEAT. Sen. Bennett stated that had he been present to vote on S. 2759, the Ellender wheat bill, he would have supported the amendment by Sen. Ellender to provide price supports for wheat at 75 percent of parity (rather than 80 percent) and that he would have voted in favor of final passage of the bill. pp. 11643-4
29. NATURAL RESOURCES; CONSERVATION. Sen. Humphrey inserted an article prepared by the Public Affairs Institute, "The People's Stake in Conservation," discussing the importance of conserving our natural resources. pp. 11646-7
30. HUMANE SLAUGHTER. Sen. Humphrey referred to a recent "announcement by the Military Subsistence Supply Agency that it would require certification of compliance with the provisions of the Humane Slaughter Act only in contracts exceeding \$2,500," and inserted a letter he had received from the Department of the Army and its "Notice to the Trades" amending the proposed regulation "so as to remove the exemption for contracts under \$2,500." pp. 11647-9
31. LEGISLATIVE PROGRAM. Sen. Mansfield stated that the public works authorization bill will be considered later this week, possibly Thurs., and that the Defense Department appropriation bill will probably be considered today, June 15. pp. 11609-10

ITEMS IN APPENDIX

32. RESEARCH. Rep. Miller, Calif., inserted an address, "Biology -- A Weapon for Peace," which includes the statement, "The application of genetics to agriculture has led to the development of new varieties of plants that prosper under environmental conditions which would have inhibited their ancestors." pp. A5007-8

Extension of remarks of Sen. Wiley inserting an article, "How the Technological Revolution in Agriculture Affects Farmers," and stating that "the article reviews not only the impact of technology upon farming but also its significance for the consumer and the economy." pp. A5025-7

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of June 15, 1960
86th-2d, No. 109

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HIGHLIGHTS: Both Houses agreed to conference report on agricultural appropriation bill. House subcommittee voted to report adversely bill to continue poultry inspection exemptions. Senate committee voted to report bills to extend minimum national quota for extra long staple cotton, and to accelerate reforestation programs. Senate committee reported bill to increase milk and butterfat price supports. House committee voted to report housing bill. Senate committee voted to report general Government matters and independent offices appropriations bills. House passed pay raise bill. Senate committee reported pay raise bill.		
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HOUSE

1. AGRICULTURAL APPROPRIATION BILL, 1961. Both Houses agreed to the conference report on this bill, H. R. 12117, and acted on amendments in disagreement (pp. 11753-5, 11821-4). This bill will now be sent to the President.

With regard to Senate amendment No. 4, both Houses agreed to a substitute amendment to provide that no funds shall be used to formulate or administer a brucellosis eradication program for the fiscal year 1963 (rather than fiscal year 1962 as proposed in the Senate amendment) that does not require minimum matching by any State of at least 40 percent.

With regard to Senate amendment No. 6, both Houses agreed to a substitute amendment to provide \$2,550,000, to remain available until expended, for ARS for construction of facilities and acquisition of the necessary land therefor by donation or exchange. The Senate amendment would have provided \$3,700,000 for this purpose.

2. PERSONNEL; PAY. By a vote of 378 to 40, passed with amendment H. R. 9883, the Federal employees pay raise bill (pp. 11789-821). Rejected, 324 to 94, a motion by Rep. Rees to recommit the bill to the Post Office and Civil Service Committee with instruction to report it back with a provision for a 5 percent increase for employees (p. 11820). Agreed to an amendment by Rep. Morrison, in the nature of a substitute for the bill as reported by the committee, which provides for a 7-1/2 percent pay increase (rather than a 9 percent increase), and increases the salaries of general counsels of executive departments (except Justice) from \$19,000 to \$20,000 per annum (pp. 11816-20). The bill also provides for increases in the pay of ASC county committee employees which would be equal, so far as practicable, to the increases provided for corresponding rates of pay applicable to other classes of employees, and extends to the ASC county committee employees coverage of the civil service retirement, Federal employees' group life insurance, and Federal employees' health benefits programs.

Passed without amendment H. R. 12620, to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment (pp. 11824). Rep. Lane stated that the bill was similar to H. R. 7577, vetoed by the President, except that it had been modified to meet the President's objections contained in his veto message.

The Government Operations Committee reported with amendment H. R. 12273, to amend the Administrative Expenses Act so as to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the U. S. (H. Rept. 1879). p. 11843

3. PROPERTY. The Government Operations Committee reported without amendment H. R. 9600, to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work (H. Rept. 1876). p. 11843

The Government Operations Committee reported without amendment H. R. 11499, to amend the Federal Property and Administrative Services Act so as to authorize the use of surplus personal property by State distribution agencies (H. Rept. 1878). p. 11843

4. CONTRACTS. The Government Operations Committee reported without amendment H. R. 12604, to amend the "antikickback statute" so as to extend its provisions to all negotiated contracts (H. Rept. 1880). p. 11843

5. POULTRY INSPECTION. The Dairy and Poultry Subcommittee of the Agriculture Committee voted to report adversely to the full committee H. R. 11050, to amend the Poultry Products Inspection Act so as to continue the authority to exempt certain poultry inspection plants beyond June 30, 1960. p. D556

6. HOUSING. The Banking and Currency Committee voted to report with amendment (but did not actually report) H. R. 12603, to extend and amend laws relating to the preservation and improvement of housing. p. D556

7. TRANSPORTATION. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) the following bills: p. D557

S. 1509, with amendment, to amend the Interstate Commerce Act so as to provide for "grandfather" rights (preference rights for certain carriers operating in the past) for certain motor carriers and freight forwarders in Alaska;

S. 1508, to provide for the economic regulation of the Alaska Railroad under the Interstate Commerce Act;

H. R. 7937, to amend the Interstate Commerce Act so as to insure the adequacy of the National railroad freight car supply.

June 15, 1960

8. LANDS; ELECTRIFICATION. The Government Operations Committee approved two reports, "Land Appraisal Practices, Department of Interior, Bureau of Land Management, Arizona" and "Electric Power Contract for Yellowstone National Park." p. D557
9. APPROPRIATIONS; ITEM VETO. Rep. Schwengel spoke in support of legislation to give the President authority to veto individual items in appropriation bills, and reviewed the history of the item veto as it has been used in the various States. pp. 11831-3

SENATE

10. MILK; PRICE SUPPORTS. The Agriculture and Forestry Committee reported with amendment S. 2917, to modify the price support level for milk and butterfat (S. Rept. 1592). p. 11705
11. COTTON; ACREAGE ALLOTMENTS; LAND GRANT COLLEGES. The Agriculture and Forestry Committee voted to report (but did not actually report) the following bills: p. D554
- H. R. 12115, to extend the present minimum national marketing quota for extra-long staple cotton to the 1961 crop;
- H. R. 11646, with amendment, to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton by defining certain offenses in connection with the sampling of cotton classification and providing a penalty provision;
- S. 3117, to treat all basic agricultural commodities alike with respect to the cost of remeasuring acreage allotments; and
- S. 3450, relating to the endowment and support of colleges of agriculture and mechanic arts, to increase the authorized appropriations for resident teaching grants to land-grant institutions.
12. PERSONNEL. The Government Operations Committee reported without amendment S. 3485, to provide for the payment of travel and transportation costs for persons selected for appointment to certain positions in the U. S. (S. Rept. 1584). pp. 11705
- The Government Operations Committee reported with amendment H. R. 766, to amend existing laws so as to modify the strict penalty provision in title 5, U. S. Code, for the use of Government-owned vehicles and aircraft for other than official purposes and give to the heads of departments or agencies the discretion of fixing the disciplinary action in any given case (S. Rept. 1587). p. 11705
- The Post Office and Civil Service Committee reported an original bill, S. 3672, to increase the salaries of Federal classified and postal employees (S. Rept. 1590). p. 11705
- The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 7758, to improve the administration of overseas activities of the Government by providing for the establishment of a coordinated and uniform system for more effectively compensating Government employees for additional costs, and for hardships and inconveniences, incident to their working assignments in overseas areas and providing for uniformity of treatment for all overseas employees to the extent justified by relative conditions of employment; and S. 3421, relating to payment of death benefits under the Federal Employees' Group Life Insurance Act. p. D555
13. FORESTRY. The Agriculture and Forestry Committee voted to report (but did not actually report) S. J. Res. 95, providing for the acceleration of the reforestation programs of the Departments of Agriculture and Interior. p. D554

Sen. Goldwater commended the Forest Service on their work in creating "a very unique playground out of land that was of little value to either the citizenry or the Forest Service" and suggested that similar programs throughout the U. S. would be of value. pp. 11712-3

14. WATERSHEDS. The "Daily Digest" states that the Agriculture and Forestry Committee approved the following watershed projects: Caney Creek, Ky.; Chippewa Creek, Ohio; Ischua Creek, N. Y.; Mill Creek, Pa.; North Broad River, Ga.; North Fork of Little River, Ky.; and West Fork, Clarks River, Ky. p. D554
15. WILDLIFE; CHEMICAL PESTICIDES. The Interstate and Foreign Commerce Committee voted to report with amendment (but did not actually report) S. 3473, requiring consultation with the Fish and Wildlife Service and appropriate State agencies prior to instituting programs using chemical pesticides in biological control. The "Daily Digest" states that this bill was amended by the substitution of the language of H. R. 12419, a similar bill which has been reported by the House. p. D555
16. DEFENSE DEPARTMENT APPROPRIATION BILL, 1961. Began debate on this bill, H. R. 11998, but deferred final consideration until today, June 16. pp. 11784-5
17. GENERAL GOVERNMENT MATTERS APPROPRIATION BILL, 1961. A subcommittee of the Appropriations Committee voted to report with amendments to the full committee this bill, H. R. 11389. p. D554
18. INDEPENDENT OFFICES APPROPRIATION BILL, 1961. A subcommittee of the Appropriations Committee voted to report with amendments to the full committee this bill, H. R. 11776. p. D554
19. TRANSPORTATION. The Interstate and Foreign Commerce Committee voted to report with amendment (but did not actually report) S. 3228, relating to issuance of certificates of convenience and necessity by the ICC to certain common carriers by motor vehicle. p. D555
The Banking and Currency Committee reported with amendment S. 3278, to amend the Housing Act of 1954 to assist State and local governments and their instrumentalities in improving mass transportation services in metropolitan areas (S. Rept. 1591). p. 11705
20. BOTANICAL GARDEN. The Public Works Committee reported with amendment S. 2919, to authorize the Secretary of the Smithsonian Institution to study and investigate the desirability and feasibility of establishing a national tropical botanic garden in Hawaii (S. Rept. 1589). p. 11705
21. INFORMATION; PUBLICATIONS. The Government Operations Committee reported without amendment S. 3579, to authorize agencies of the Government of the U. S. to pay in advance for required publications (S. Rept. 1583). p. 11705
Received a report by the Comptroller General "Refusals to the General Accounting Office of Access to Records of the Executive Departments and Agencies" (S. Doc. 108). p. 11707
22. CONTRACTS; PURCHASING. The Government Operations Committee reported with amendment S. 3487, to amend the "Anti-Kickback Statute" to extend it to all negotiated contracts (S. Rept. 1585). p. 11705
23. LANDS. Received from the Defense Department proposed legislation to provide for the withdrawal from the public domain of lands in the Ladd-Eielson, Big Delta,

TRAVEL COST FOR PERSONS SELECTED FOR APPOINTMENT TO GOVERNMENT POSITIONS

JUNE 15, 1960.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DAWSON, from the Committee on Government Operations, submitted the following

R E P O R T

[To accompany H.R. 12273]

The Committee on Government Operations, to whom was referred the bill (H.R. 12273) to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

AMENDMENT

The amendment proposed by the committee strikes out all after the enacting clause and inserts in lieu thereof a substitute text which is set forth in the reported bill in italic type. The purpose of the amendment, which is technical only, is to correct certain errors in the bill, as introduced.

That subsections (b), (c), and (d) of section 7 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-3), are amended to read as follows:

“(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed, and of student trainees when promoted upon completion of college work, to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection or promotion to their duty station. Travel and transportation expenses shall not be paid upon promotion of a student trainee after completion of college work if such expenses were paid upon his appointment as a student trainee. Such travel expenses may include per diem and mileage allowance as provided for civilian officers and

employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

"(c) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated.

"(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) of this section."

SEC. 2. The amendment made by the first section of this Act shall become effective on August 25, 1960.

GENERAL STATEMENT

This bill was proposed and submitted to the Congress by the U.S. Civil Service Commission and introduced by Congressman Joe M. Kilgore of Texas.

It is intended to supersede Public Law 85-749, reported by this committee in 1958, which expires on August 25, 1960. That law authorized the payment of travel expenses to their first duty station of persons (and their families) selected for appointment to positions in the natural and mathematical sciences, engineering and architectural fields and to related technical positions in the United States and Alaska for which the Civil Service Commission determines there is a manpower shortage in those skills critical to the national security effort. Its purpose was to improve the ability of the Federal Government to attract able scientists and engineers and other personnel in short supply whose skills are essential to the national security effort. The Federal Government had only paid travel expenses to persons in the continental United States who were already on the job. Persons living in one community and appointed to positions in another paid their own travel and moving expenses. Private industry, with which the Federal Government was in sharp competition for needed personnel in shortage occupations, had been paying such travel and moving expenses and this was shown to be a powerful inducement in its recruitment.

H.R. 12273 extends the scope of this authority and makes the legislation permanent. The major changes it makes in existing law are:

1. Authorizes travel and transportation expenses for appointees in all positions for which the Civil Service Commission determines there is a manpower shortage rather than for only those scientific and other positions specified in Public Law 85-749.

2. Authorizes these payments to "student trainees" who, upon completion of college work, are promoted to positions for which there is a manpower shortage.

3. Limits the authority to positions in the United States which includes Alaska and Hawaii.

4. Removes the 2-year time limitation in Public Law 85-749 and makes the authority permanent.

The reasons for these and other technical changes proposed are found in the "Statement of Purpose and Justification."

The amendment made by the committee was recommended after consultation with the legislative counsel and the General Accounting Office. It is purely technical and makes no substantive change in the draft bill submitted.

Hearings were held on H.R. 12273 by the Subcommittee on Executive and Legislative Reorganization at which the Chairman of the U.S. Civil Service Commission testified.

The committee is satisfied that Public Law 85-749 has served a good purpose as the experience shown below will indicate. The changes proposed are reasonable and justified. There is no indication of abuse of discretion by the agencies and happily the cost of the first 2 years' operation was less than anticipated. We believe, therefore, that the authority should be made permanent.

LETTER TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FROM
THE CHAIRMAN OF THE U.S. CIVIL SERVICE COMMISSION

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 22, 1960.

HON. SAM RAYBURN,
Speaker of the House, Washington, D.C.

DEAR MR. SPEAKER: We are submitting for the consideration of the Congress proposed legislation that would authorize the payment of travel and moving expenses for certain new employes of the Federal Government. There are enclosed: (1) a draft bill; (2) a section analysis of the proposed bill; and (3) a statement of purpose and justification.

The proposed bill which does not contain any time limitations, is intended to supersede Public Law 85-749, which expires on August 24, 1960. Public Law 85-749 authorized the payment of travel and moving expenses of certain new employees to their first post of duty.

The proposed bill lifts certain restrictions on position coverage which now appear in Public Law 85-749. It contains a minor change from Public Law 85-749 in order to correct an inequity which now exists with respect to student trainees who are employed on a part-time basis by the Federal Government while they are completing their college training. All proposed changes were recommended by the Federal agencies who have been operating under the terms of Public Law 85-749 since August 1958, and who believe that the changes will further improve our competitive position with private industry in the recruiting of scientists, engineers, and other "shortage" specialists.

Early action by the Congress on this important legislation will limit, or perhaps eliminate, the period of time during which agency recruiting officials will be required to make conditional statements to applicants concerning the Government's ability to pay travel and moving expenses.

The Bureau of the Budget advises that there would be no objection to the submission of this draft bill to Congress.

By direction of the Commission:

Sincerely yours,

ROGER W. JONES, *Chairman.*

4 TRAVEL AND TRANSPORTATION COST FOR CERTAIN PERSONS

A BILL To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended, 5 U.S.C. 73b-3) is further amended by inserting "(a)" after the section number and adding at the end thereof new subsections as follows:

"(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed, and of Student Trainees when promoted upon completion of college work, to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection or promotion to their duty station. Travel and transportation expenses shall not be paid upon promotion of a Student Trainee after completion of college work if such expenses were paid upon his appointment as a Student Trainee. Such travel expenses may include per diem and mileage allowance as provided for civilian officers and employees by the Travel Expense Act of 1949 as amended. Travel and transportation expenses may be allowed whether the person selected has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

"(e) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated.

"(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) hereof."

SEC. 2. This Act shall take effect as of August 25, 1960.

SECTION ANALYSIS

Public Law 85-749, approved August 25, 1958, amended section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended, 5 U.S.C. 73b-3) to provide for the payment of travel and transportation costs of certain new employees. Public Law 85-749 will expire on August 24, 1960. This amendment to section 7 of the Administrative Expenses Act becomes permanent under provisions of the draft bill. The draft bill differs from Public Law 85-749 in several respects. These differences are:

Section 1 of the draft bill authorizes payment for travel and transportation expenses of persons appointed to positions for which there is determined by the Civil Service Commission to be a manpower shortage. Public Law 85-749 restricted such payments to persons appointed to positions in the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions for which there is determined by the Civil Service Commission to be a manpower shortage in those skills which are critical to the national security effort. This change is based on the experiences of the Federal agencies in operating under Public Law 85-749.

Section 1 of the draft bill authorizes payments to persons appointed to positions in the United States. Public Law 85-749 referred to positions in the continental United States and Alaska. This change is occasioned by the recent change in political status of Alaska and Hawaii from Territories to States. The draft bill provides for payment of expenses in connection with appointments in the 50 States and the District of Columbia.

Section 1 of the draft bill authorizes payments to student trainees when promoted upon completion of college work. Student Trainees are already on agency rolls and are not new appointees. Public Law 85-749 restricted payments to new appointees. This change is also based on the experiences of the Federal agencies in operating under Public Law 85-749. Inclusion of student trainees has required several editorial revisions of the language in Public Law 85-749. These are:

(1) revision of the statement in Public Law 85-749: “* * * at time of selection to their first duty station”. This statement now reads: “at time of selection or promotion to their duty station”.

(2) revision of the statement in Public Law 85-749 “* * * unless the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment unless separated * * *”. This statement now reads: “* * * unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated * * *”.

(3) deletion of the statements “for persons selected for appointment” and “for appointment”. These statements are not now accurate with the additional coverage of student trainees. The words have been deleted since they are not essential. The italicized words in the following quotation from Public Law 85-749 are the words which are deleted in the draft bill: “Such travel expenses may include per diem and mileage allowance *for persons selected for appointment* as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected *for appointment* has been appointed * * *”.

Section 1 of the draft bill contains language to assure that travel and transportation expenses of a student trainee shall not be paid on more than one occasion.

Section 1 of the draft bill does not contain any time limitation. Public Law 85-749 provided an expiration date 2 years from date of enactment into law.

The last sentence in Public Law 85-749 referred to “persons designated in subsection (b) and (e) hereof”. The reference to

"subsection (c)" is surplus language and has been deleted in the draft bill.

Section 2 of the draft bill provides an effective date of August 25, 1960. Public Law 85-749 approved August 25, 1958, will expire on August 24, 1960.

STATEMENT OF PURPOSE AND JUSTIFICATION OF A DRAFT BILL TO
PROVIDE FOR THE PAYMENT OF TRAVEL AND TRANSPORTATION
COSTS FOR PERSONS SELECTED FOR APPOINTMENT TO CERTAIN
POSITIONS IN THE UNITED STATES AND FOR OTHER PURPOSES

PURPOSE

To further increase the ability of the Federal Government as an employer to attract persons in shortage occupations such as scientists and engineers.

JUSTIFICATION

Public Law 85-749, approved August 25, 1958, provided temporary authority to the Federal Government to authorize payment of travel and moving expenses of prospective employees reporting to their first duty station in positions determined to be in shortage categories on the same basis as payments to regular civilian employees upon transfer of official station or on original appointment to an oversea post of duty. Public Law 85-749 expires on August 24, 1960.

Originally, the bill as approved by the House, authorized payments to persons appointed to positions for which there is determined by the Commission to be a manpower shortage.

The Senate Committee on Government Operations initiated amendments to the bill which limited the authority for payment to persons "appointed to positions in the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions for which there is determined by the Commission to be a manpower shortage in those skills which are critical to the national security effort."

The Senate Committee on Government Operations further amended the House bill to restrict its application to 2 years, thus insuring a review by the next Congress, as well as consideration of the possible need for extension of the authority.

The provisions of the attached draft bill are based on the experiences of the Civil Service Commission and the Federal agencies in operating under Public Law 85-749. Comments concerning its provisions are limited mainly to those features which differ from, or are not contained in, the provisions of Public Law 85-749.

SUMMARY OF EXPERIENCE OF FEDERAL AGENCIES IN OPERATING UNDER
PUBLIC LAW 85-749 FROM AUGUST 25, 1958, TO NOVEMBER 15, 1959

Federal agencies were unanimous in reporting that authority to pay travel and moving expenses was a very important factor in effective recruitment. It has contributed to much stronger competition with industry. It has been especially helpful in recruiting for positions at outlying and isolated locations. It has resulted in the appointment of more highly qualified persons who would not otherwise have been available for Federal employment. The agencies were unanimous in

recommending that the recruiting successes directly related to the use of the authority, coupled with the continuing shortage of well-qualified personnel, fully justifies extension of the law beyond its termination date of August 24, 1960.

Generally limited amounts of travel funds in relation to all travel needs of the agencies helped to assure that the provisions of the law were administered in the best interest of the Federal service. There is evidence, based on the statistical data and agency comments, that the authority has been used in a judicious and conservative manner. Payments were authorized only when required in the particular recruiting situation.

During the period August 25, 1958, through November 15, 1959, the Federal agencies authorized payment of travel and moving expenses to 2,406 new employees. A total 2,116 of the 2,406 new employees were engineers or physical scientists. A total of \$752,803.46 was expended, for this purpose; payments averaged \$313 per new employee. Only 49 of the 2,406 employees violated their 1-year employment agreement, and approximately \$15,000 will be recovered from the individuals concerned.

This experience can be compared with earlier estimates that Federal agencies would pay expenses for approximately 4,000 new employees per year at an average cost of \$800, or a total of \$3,200,000 per year.

Effect of restrictions on position coverage

Public Law 85-749 restricts authority for payment to new employees in that:

(a) positions are restricted to the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions;

(b) skills must be critical to the national security effort; and

(c) there must be an established manpower shortage.

The absence of the first two restrictions would have resulted in relatively few additional new employees receiving payment for travel and moving expenses. However, the presence of these two restrictions precluded the alleviation of serious recruiting difficulties for some agencies for certain highly specialized and shortage positions. Examples are:

1. Professional veterinarians are in a critical shortage category. Department of Agriculture employs over 90 percent of the veterinarians in the Federal service. The requirement for relationship of the position to the national security precludes coverage under the current law.

2. City and community planners are also designated as "shortage" occupation by the Civil Service Commission for purposes of authorizing new minimum pay rates in accordance with section 803 of the Classification Act of 1949, as amended. Yet, the Director of the National Capital Planning Commission cannot pay travel and moving expenses as a recruitment inducement because these positions cannot be found in substantial numbers (in relation to the total strength of the occupation involved) in agencies whose programs directly involve the national security.

3. Bureau of Indian Affairs employs teachers, social workers, and journeyman mechanics at outlying locations in Alaska. The Bureau prefers to recruit qualified persons already residing in Alaska for these positions. Alaska residents are already adjusted to climate and

living conditions. However, the restrictions on position coverage do not permit payment of travel expenses from residence in Alaska to the duty station. As a result, very few Alaska residents are available for employment with the Bureau. Consequently, the Bureau recruits in the continental United States and pays transportation expenses to and from Alaska under another legal authority. This inability to pay travel expenses for Alaska residents often results in a much greater expenditure of public funds as the result of recruiting from the continental United States.

4. Changing programs result in the need for new kinds of employees, including some in critical shortage occupations. Trend toward mechanization in the Post Office Department may encompass need for positions in the electronic computer areas.

5. Strategic Air Command cannot now obtain an adequate number of digital computer programmers to staff their Control Division. Primary programming effort of this division is directed toward the execution and control of the emergency war plan. The relationship to national security is obvious; however, the restriction on position coverage does not permit payment.

Other examples cited by the Federal agencies were: landscape architects, management interns, geneticists, physiologists, pathologists, entomologists, soil scientists, psychologists, biologists, biochemists, biophysicists, pharmacists, bacteriologists, actuaries, librarians, and medical technologists.

The fact that these positions have been cited by the agencies as examples of positions for which payment of travel and moving expenses is justified by the recruitment situation does not necessarily mean that all will qualify under the requirement that there must be an established manpower shortage. Perhaps some of these positions will qualify only in certain geographic areas.

The requirement that there must be a manpower shortage has been applied in a realistic manner by the Civil Service Commission. In general, the Commission has applied the same principles and procedures for determining shortage occupations for this purpose as is done in determining shortages under section 803 of the Classification Act of 1949, as amended. Under this section, the Commission is charged by Congress with raising rates for hard-to-fill positions so as to assist in providing an adequate supply of employees to meet the vital need of Federal agencies.

Special problem on student trainee

Several departments have recommended that the law be revised to authorize payment of travel and moving expenses of student trainees who are on leave without pay attending college and who, upon graduation, are planning to return to their agencies in a professional capacity. Since these trainees are already on the agency's rolls, they cannot be considered as new appointees. Agencies have invested heavily in money and time in the training of these students. Unless payment of their travel and moving expenses at time of graduation is possible, there is the strong likelihood that many will resign and accept other employment. They will then receive payment for their travel and moving expenses from their new employers. A high percentage of senior students are married and have children. The payment of moving expenses to the first "permanent" post of professional duty

takes on unusually high significance, especially since the families are often in debt. Enactment of this provision will affect very few employees, but will remove a source of irritation over unequal treatment of two groups of new professional employees.

CURRENT PRACTICES IN PRIVATE INDUSTRY

Comments of the Federal agencies, reflecting the experiences of their recruiters who are in daily competition with recruiters from industry, confirm the fact that, generally speaking, industry continues to pay more money for more benefits to new and prospective employees in more job categories than does the Federal Government.

Atomic Energy Commission contractors.—The practices of 19 large industrial contractors and 7 academic contractors, which together employ approximately 89 percent of the over 100,000 AEC contractor employees, were examined. All but one regularly pay the travel and moving expenses of new key and professional employees; the remaining contractor will pay on occasion; 14 of the 26 contractors will regularly pay these expenses for all new employees, regardless of occupation; 24 contractors provide allowances in addition to payment for travel and moving expenses, these usually include subsistence expenses for the family for up to 30 days.

Twenty-five of the twenty-six contractors also provide for pre-employment interviews at company expense. These payments are usually limited to interviews of technical, scientific, and other key personnel.

Office of Naval Research contractors.—A 1956 survey shows that 75 percent of all ONR contractors pay moving expenses and personal and family travel costs for new employees in shortage categories.

A recent survey reveals that upwards of 90 percent of the approximately 2,500 ONR contractors now pay these expenses.

Air Research and Development Command contractors.—A 1956 survey shows that ARDC has approximately 145 contractors of the large industrial type. Of these firms, 90 percent pay travel and moving expenses for new employees and their families.

A recent survey indicates that approximately 90 percent of these large industrial contractors have continued to pay these expenses, and that the trend has been toward more liberal benefits in terms of subsistence and other allowances.

In all contracts—AEC, ONR, and ARDC—the practice of paying travel expenses extends to the preemployment interviews. Most large corporations and hundreds of smaller firms have Government contracts. In order to more readily justify payment of travel and moving expenses for new employees in their Government contracts, they generally provide for these payments to all of their employees—whether or not utilized on Government contracts.

Advertisements in newspapers and journals.—Such large companies as RCA, Western Electric, American Standard, Remington Rand, Westinghouse, Raytheon, and General Aniline—all large users of scientific and engineering personnel—are some of the recent advertisers who state that they will pay the relocation expenses of new employees. Payments are not confined to scientists and engineers. Advertisements stating that travel and moving expenses will be paid for such positions as sales representative, cost manager, systems consultant, financial analyst, systems analyst, auditor, tax supervisor, personnel

10 TRAVEL AND TRANSPORTATION COST FOR CERTAIN PERSONS

director, market research manager, cost estimator, manager of manufacturing, maintenance foreman, digital computer programmer and trainee, salary analyst, inventory control manager, marketing director, cost analyst, and skills training specialist were noted recently.

COST

Cost of the proposed legislation is estimated at \$1,050,000 per year. This figure is based on estimates that 3,000 new employees for whom travel and moving expenses would be paid will be hired annually. The average cost per hire for moving household goods and for payment of personal travel expenses and per diem is estimated at \$350. This figure is based on agency experience during the past year.

The proposed legislation will not involve any expenditures for personal services.

REPORT OF THE BUREAU OF THE BUDGET

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 1, 1960.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Government Operations,
House of Representatives, House Office Building, Washington, D.C.*

MY DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Bureau of the Budget respecting H.R. 12273, to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States and for other purposes.

The proposal, requested by the Civil Service Commission, would make permanent the provisions of Public Law 85-749 relating to pre-appointment travel and moving expenses, with certain revisions designed to permit greater flexibility in its application. Public Law 85-749 expires August 24, 1960.

It is understood the proposal embodies agency recommendations respecting use of the travel authority and its continuation.

The Bureau of the Budget would have no objection to enactment of H.R. 12273.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 26, 1960.

HON. WILLIAM L. DAWSON,
*Chairman, Committee on Government Operations,
House of Representatives.*

DEAR MR. CHAIRMAN: Your letter of May 23, 1960, requests an expression of our views on H.R. 12273.

The bill would, in effect, supersede and enlarge the provisions of Public Law 85-749, approved August 25, 1958. The bill, if enacted,

would be effective August 25, 1960, the expiration date of the referred-to act. This bill would amend section 7 of the Administrative Expenses Act of 1946, 5 United States Code 73b-3, to authorize the payment of travel and transportation expenses of "persons appointed, and of student trainees upon completion of college work" to certain Government positions (in certain situations) in the United States and Alaska, including transportation of dependents and household effects.

Thus, in addition to its removing any limitation on the subject matter of Public Law 85-749, the bill would broaden the coverage thereof to persons selected or appointed to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage (including student trainees when promoted upon completion of college work). The provision of 5 United States Code 73b-3(b)(c)(d), Public Law 85-749, as it presently exists limits the determination of the Civil Service Commission as to manpower shortage to positions in the natural and mathematical sciences, engineering, and architectural fields, and related technical positions.

While we have no facts indicating the need for extending the coverage of 5 U.S.C. 73b-3 (b)(c)(d) as indicated above, we feel that shortages of manpower may occur in categories other than those now specified in such statute and that it would be reasonable to permit the Civil Service Commission to make the determinations in that respect. Moreover, we see no objection to including student trainees (when promoted upon completion of college work) within the coverage of the bill.

Since Public Law 85-749 amended section 7 of the Administrative Expenses Act of 1946, as amended, by inserting "(a)" after the section number and by adding new subsections "(b)", "(c)", and "(d)", it would seem more appropriate to substitute the following language (see S. 3485, 86th Cong.) for lines 3, 4, 5, and 6 of the bill: "That subsections (b) to (d), inclusive, of section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808), as amended (5 U.S.C. 73-b-3), are amended to read as follows:"

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 7 OF THE ADMINISTRATIVE EXPENSES ACT OF 1946 (5 U.S.C. 73b-3)

SEC. 7. (a) (a) Appropriations for the departments shall be available, in accordance with regulations prescribed by the President, for expenses of travel of new appointees, expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects from places of actual residence at time of appointment to places of employment outside continental United

States, and for such expenses on return of employees from their posts of duty outside continental United States to the places of their actual residence at time of assignment of duty outside the United States: *Provided*, That such expenses of travel and transportation to posts of duty outside the continental United States shall not be allowed unless and until the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment, unless separated for reasons beyond his control and acceptable to the department or agency concerned and in case of violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States: *And provided further*, That expenses of return travel and transportation upon separation from the service shall be allowed whether such separation is for the purposes of the Government or for personal convenience, but shall not be allowed unless such persons selected for appointment outside the continental United States shall have served for a minimum period of not less than one nor more than three years prescribed in advance by the head of the department or agency concerned or unless separation is for reasons beyond the control of the individual and acceptable to the department or agency concerned: *Provided further*, That expenses of round trip travel of employee and transportation of immediate family but excluding household effects, from their posts of duty outside the continental United States to the places of actual residence at time of appointment or transfer to such overseas posts of duty, shall be allowed in the case of persons who have satisfactorily completed an agreed period of service overseas and are returning to their actual place of residence for the purpose of taking leave prior to serving another tour of duty at the same or some other overseas post, under a new written agreement entered into before departing from the overseas post: *Provided further*, Any officer or employee of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of round trip travel for himself and transportation of his immediate family, but excluding household effects, from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment to such overseas post of duty, at the end of each two years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least two more years of overseas duty: *Provided further*, That expenses of transportation of the immediate family and shipment of household effects of any employee from the post of duty of such employee outside continental United States to place of actual residence shall be allowed, not in excess of one time, prior to the return of such employee to the United States, including its Territories and possessions, when the employee has acquired eligibility for such transportation or when the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, death of any member of the immediate family, or obligation imposed by authority or circumstances over which the individual has no control: *And provided further*, That when an employee returns his immediate family and household

goods to the United States, including its Territories and possessions, at his own expense prior to his return and for other than reasons of public interest, the Government shall reimburse him for proper transportation expenses at such time as he acquires eligibility therefor.

(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed to positions in the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions in the continental United States and Alaska for which there is determined by the Civil Service Commission to be a manpower shortage in those skills which are critical to the national security effort, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection to their first duty station. Such travel expenses may include per diem and mileage allowance for persons selected for appointment as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected for appointment has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

(c) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated. The provisions of subsections (b) and (c) of section 7 of this Act shall expire two years from the date of their enactment into law.

(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) and (c) hereof.

(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed, and of student trainees when promoted upon completion of college work, to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection or promotion to their duty station. Travel and transportation expenses shall not be paid upon promotion of a student trainee after completion of college work if such expenses were paid upon his appointment as a student trainee. Such travel expenses may include per diem and mileage allowance as provided for civilian officers and employees by the Travel Expense Act of 1949 as amended. Travel and transportation expenses may be allowed whether the person selected has been appointed or not at the time of such travel. However,

the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

(c) *The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated.*

(d) *Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) hereof.*

MATTER FOR THE INFORMATION OF THE HOUSE

For the information of the Members of the House of Representatives, changes in existing law made by the bill, as reported by the committee, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 7 OF THE ADMINISTRATIVE EXPENSES ACT OF 1946 (5 U.S.C. 73b-3)

SEC. 7. (a) Appropriations for the departments shall be available, in accordance with regulations prescribed by the President for expenses of travel of new appointees, expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects from places of actual residence at time of appointment to places of employment outside continental United States, and for such expenses on return of employees from their posts of duty outside continental United States to the places of their actual residence at time of assignment of duty outside the United States: *Provided*, That such expenses of travel and transportation to posts of duty outside the continental United States shall not be allowed unless and until the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment, unless separated for reasons beyond his control and acceptable to the department or agency concerned and in case of violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States: *And provided further*, That expenses of return travel and transportation upon separation from the service shall be allowed whether such separation is for the purposes of the Government or for personal convenience, but shall not be allowed unless such persons selected for appointment outside the continental United States shall have served for a minimum period of not less than one nor more than three years prescribed in advance by the head of the department or agency concerned or unless separation is for reasons beyond the control of the individual and acceptable to the department or agency concerned. *Provided further*, That expenses of round trip travel of employee and

transportation of immediate family but excluding household effects, from their posts of duty outside the continental United States to the places of actual residence at time of appointment or transfer to such overseas posts of duty, shall be allowed in the case of persons who have satisfactorily completed an agreed period of service overseas and are returning to their actual place of residence for the purpose of taking leave prior to serving another tour of duty at the same or some other overseas post, under a new written agreement entered into before departing from the overseas post: *Provided further*, Any officer or employees of the United States appointed by the President, by and with the advice and consent of the Senate, to serve for a term fixed by law, whose post of duty is outside the continental United States, shall be allowed expenses of round trip travel for himself and transportation of his immediate family, but excluding household effects, from his post of duty outside the continental United States to the place of his actual residence at the time of his appointment to such overseas post of duty, at the end of each two years of satisfactory service completed overseas, if he is returning to his actual place of residence for the purpose of taking leave prior to serving at least two more years of overseas duty: *Provided further*, That expenses of transportation of the immediate family and shipment of household effects of any employee from the post of duty of such employee outside continental United States to place of actual residence shall be allowed, not in excess of one time, prior to the return of such employee to the United States, including its Territories and possessions, when the employee has acquired eligibility for such transportation or when the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, death of any member of the immediate family, or obligation imposed by authority or circumstances over which the individual has no control: *And provided further*, That when an employee returns his immediate family and household goods to the United States, including its Territories and possessions, at his own expense prior to his return and for other than reasons of public interest, the Government shall reimburse him for proper transportation expenses at such time as he acquires eligibility therefor.

[(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed to positions in the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions in the continental United States and Alaska for which there is determined by the Civil Service Commission to be a manpower shortage in those skills which are critical to the national security effort, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection to their first duty station. Such travel expenses may include per diem and mileage allowance for persons selected for appointment as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected for appointment has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be

allowed unless the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

[(c) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated. The provisions of subsections (b) and (e) of section 7 of this Act shall expire two years from the date of their enactment into law.

[(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) and (e) hereof.]

(b) *Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed, and of student trainees when promoted upon completion of college work, to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection or promotion to their duty station. Travel and transportation expenses shall not be paid upon promotion of a student trainee after completion of college work if such expenses were paid upon his appointment as a student trainee. Such travel expenses may include per diem and mileage allowance as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.*

(c) *The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated.*

(d) *Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) of this section.*

Union Calendar No. 827

86TH CONGRESS
2D SESSION

H. R. 12273

[Report No. 1879]

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1960

Mr. KILGORE introduced the following bill; which was referred to the Committee on Government Operations

JUNE 15, 1960

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 7 of the ~~Administrative Expenses Act of 1946~~
4 ~~(60 Stat. 808, as amended, 5 U.S.C. 73b-3)~~ is further
5 amended by inserting “(a)” after the section number and
6 adding at the end thereof new subsections as follows:

7 ~~“(b) Appropriations for the departments shall be avail-~~

1 able in accordance with regulations prescribed by the Presi-
2 dent, for expenses of travel of persons appointed, and of
3 student trainees when promoted upon completion of college
4 work, to positions in the United States for which there is
5 determined by the Civil Service Commission to be a man-
6 power shortage, and for expenses of transportation of their
7 immediate families and their household goods and personal
8 effects and for advances of funds to the extent authorized by
9 section 1 (a) and (b) of this Act, from their places of
10 actual residence at time of selection or promotion to their
11 duty station. Travel and transportation expenses shall not
12 be paid upon promotion of a student trainee after com-
13 pletion of college work if such expenses were paid upon his
14 appointment as a student trainee. Such travel expenses
15 may include per diem and mileage allowance as provided
16 for civilian officers and employees by the Travel Expense
17 Act of 1949 as amended. Travel and transportation expenses
18 may be allowed whether the person selected has been ap-
19 pointed or not at the time of such travel. However, the
20 travel and transportation expenses authorized by this sub-
21 section shall not be allowed unless the person selected or
22 promoted shall agree in writing to remain in the Govern-
23 ment service for twelve months following his appointment
24 or promotion unless separated for reasons beyond his control
25 and acceptable to the department or agency concerned. In

1 ease of a violation of such agreement, any moneys expended
2 by the United States on account of such travel and trans-
3 portation shall be recoverable from the individual concerned
4 as a debt due the United States.

5 “(e) The authority of the Civil Service Commission to
6 determine for purposes of this Act positions for which there
7 is a manpower shortage shall not be delegated.

8 “(d) Nothing contained in this section shall impair or
9 otherwise affect the authority of any department under exist-
10 ing law to pay travel and transportation expenses of persons
11 designated in subsection (b) hereof.”

12 SEC. 2. This Act shall take effect as of August 25, 1960.
13 That subsections (b), (c), and (d) of section 7 of the Ad-
14 ministrative Expenses Act of 1946, as amended (5 U.S.C.
15 73b-3), are amended to read as follows:

16 “(b) Appropriations for the departments shall be avail-
17 able in accordance with regulations prescribed by the Presi-
18 dent, for expenses of travel of persons appointed, and of
19 student trainees when promoted upon completion of college
20 work, to positions in the United States for which there is
21 determined by the Civil Service Commission to be a man-
22 power shortage, and for expenses of transportation of their
23 immediate families and their household goods and personal
24 effects and for advances of funds to the extent authorized
25 by section 1 (a) and (b) of this Act, from their places of

1 actual residence at time of selection or promotion to their
2 duty station. Travel and transportation expenses shall not
3 be paid upon promotion of a student trainee after completion
4 of college work if such expenses were paid upon his appoint-
5 ment as a student trainee. Such travel expenses may include
6 per diem and mileage allowance as provided for civilian
7 officers and employees by the Travel Expense Act of 1949,
8 as amended. Travel and transportation expenses may be
9 allowed whether the person selected has been appointed or not
10 at the time of such travel. However, the travel and trans-
11 portation expenses authorized by this subsection shall not be
12 allowed unless the person selected or promoted shall agree
13 in writing to remain in the Government service for twelve
14 months following his appointment or promotion unless sepa-
15 rated for reasons beyond his control and acceptable to the
16 department or agency concerned. In case of violation of such
17 agreement, any moneys expended by the United States on ac-
18 count of such travel and transportation shall be recoverable
19 from the individual concerned as a debt due the United
20 States.

21 “(c) The authority of the Civil Service Commission to
22 determine for purposes of this Act positions for which there
23 is a manpower shortage shall not be delegated.

24 “(d) Nothing contained in this section shall impair or
25 otherwise affect the authority of any department under exist-

1 *ing law to pay travel and transportation expenses of persons*
2 *designated in subsection (b) of this section."*

3 *SEC. 2. The amendment made by the first section of this*
4 *Act shall become effective on August 25, 1960.*

[Report No. 1879]

A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

By Mr. KUGORE

MARCH 17, 1960

Referred to the Committee on Government Operations

JUNE 15, 1960

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

AMENDING SECTION 7 OF THE ADMINISTRATIVE EXPENSES ACT OF 1946, AS AMENDED, TO PROVIDE FOR THE PAYMENT OF TRAVEL AND TRANSPORTATION COST FOR PERSONS SELECTED FOR APPOINTMENT TO CERTAIN POSITIONS IN THE UNITED STATES, AND FOR OTHER PURPOSES

JUNE 15, 1960.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Government Operations, submitted the following

REPORT

[To accompany S. 3485]

The Committee on Government Operations, to whom was referred the bill (S. 3485) to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this bill is to further increase the ability of the Federal Government as an employer to attract persons to Federal service in shortage occupations such as scientists and engineers. It seeks to accomplish this objective by broadening the coverage of existing law relative to payment of travel and transportation costs of certain new employees, and by making permanent the present 2-year program established by Public Law 85-749.

Public Law 85-749, approved on August 25, 1958 (5 U.S.C. 73b-3), provided temporary authority to the Federal Government to authorize payment of travel and moving expenses of prospective employees reporting to their first duty station in positions in the natural and mathematical sciences, engineering, architecture, and related technical positions in the continental United States and Alaska for which there is determined by the Civil Service Commission to be a manpower shortage in those skills which are critical to the national security effort.

S. 3485 would (1) eliminate the restrictive categories contained in existing law by authorizing payment of travel and transportation costs of persons appointed to positions for which there is determined

by the Civil Service Commission to be a manpower shortage; (2) authorize payments to persons appointed to positions in the United States, rather than in the continental United States and Alaska, thereby including all 50 States and the District of Columbia; (3) authorize payments to student trainees when promoted upon completion of college work, necessitated by the fact that, since they are already on Federal agency rolls as part-time employees, they cannot receive such payments under existing law which restricts payments to new appointees; (4) make certain technical amendments to existing law necessitated by the addition of the student trainee category; and (5) make the program permanent by eliminating the 2-year restriction contained in existing law, under the terms of which it would expire on August 24, 1960.

According to the Civil Service Commission, all of the proposed amendments were based upon the experiences of Federal agencies operating under Public Law 85-749 during the past 2 years, and which recommended them in the belief that such changes will further improve the competitive position of the Federal Government with private industry in the recruiting of scientists, engineers, and other specialists in so-called shortage categories.

BACKGROUND

As originally approved by the House of Representatives in the 85th Congress, H.R. 11133, which became Public Law 85-749, authorized payments to persons appointed to positions for which there is determined by the Civil Service Commission to be a manpower shortage. The Senate Committee on Government Operations, however, initiated amendments to that bill which limited the authority for payment to persons—

appointed to positions in the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions for which there is determined by the Commission to be a manpower shortage in those skills which are critical to the national security effort.

The committee further amended the House bill to restrict its application to 2 years, thus insuring a review by the next Congress, as well as consideration of the possible need for extension of the authority. Both of these amendments were incorporated in the bill when it was enacted into law.

At the same time, the Chairman of the Civil Service Commission was requested to submit to the Committees on Government Operations during the present Congress a report on the operations of the act, as amended, with further recommendations for amendments that may be found necessary, in order that a complete review may be made with the objective of effecting appropriate changes that may be indicated.

Pursuant to this request, the Civil Service Commission prepared a comprehensive report on the experiences of Federal agencies in recruiting for positions for which travel and moving expenses were authorized by Public Law 85-749. Their reports and recommendations covered such matters as to (1) whether and to what extent the authority to pay travel and moving costs resulted in more effective recruitment; (2) whether there is a convincing need either for modify-

ing or for extending the current provisions; (3) whether certain restrictions in the existing law should be continued or modified; and (4) their attitudes toward the payment of travel and per diem expenses for preemployment interviews, a provision which was included in the original bill introduced in the 85th Congress.

A summary of the experiences of these agencies in operating under Public Law 85-749 from August 25, 1958, to November 15, 1959, follows:

Federal agencies were unanimous in reporting that authority to pay travel and moving expenses was a very important factor in effective recruitment. It has contributed to much stronger competition with industry. It has been especially helpful in recruiting for positions at outlying and isolated locations. It has resulted in the appointment of more highly qualified persons who would not otherwise have been available for Federal employment. The agencies were unanimous in recommending that the recruiting successes directly related to the use of the authority, coupled with the continuing shortage of well-qualified personnel, fully justifies extension of the law beyond its termination date of August 24, 1960.

Generally limited amounts of travel funds in relation to all travel needs of the agencies helped to assure that the provisions of the law were administered in the best interests of the Federal service. There is evidence, based on the statistical data and agency comments, that the authority has been used in a judicious and conservative manner. Payments were authorized only when required in the particular recruiting situation.

During the period August 25, 1958, through November 15, 1959, the Federal agencies authorized payment of travel and moving expenses to 2,406 new employees. 2,116 of the 2,406 new employees were engineers or physical scientists. A total of \$752,803.46 was expended for this purpose; payments averaged \$313 per new employee. Only 49 of the 2,406 employees violated their 1-year employment agreement, and approximately \$15,000 will be recovered from the individuals concerned.

This experience can be compared with earlier estimates that Federal agencies would pay expenses for approximately 4,000 new employees per year at an average cost of \$800, or a total of \$3,200,000 per year.

Effect of restrictions on position coverage

Public Law 85-749 restricts authority for payment to new employees in that—

(a) Positions are restricted to the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions;

(b) Skills must be critical to the national security effort; and

(c) There must be an established manpower shortage.

The absence of the first two restrictions would have resulted in relatively few additional new employees receiving payment for travel and moving expenses. However, the presence of these two restrictions precluded the alleviation of serious recruiting difficulties for some agencies for certain highly specialized and shortage positions. Examples are:

1. Professional veterinarians are in a critical shortage category. Department of Agriculture employs over 90 percent of the veterinarians in the Federal service. The requirement for relationship of the

position to the national security precludes coverage under the current law.

2. City and community planners are also designated as "shortage" occupation by the Civil Service Commission for purposes of authorizing new minimum pay rates in accordance with section 803 of the Classification Act of 1949, as amended. Yet, the Director of the National Capital Planning Commission cannot pay travel and moving expenses as a recruitment inducement because these positions cannot be found in substantial numbers (in relation to the total strength of the occupation involved) in agencies whose programs directly involve the national security.

3. Bureau of Indian Affairs employs teachers, social workers, and journeyman mechanics at outlying locations in Alaska. The Bureau prefers to recruit qualified persons already residing in Alaska for these positions. Alaska residents are already adjusted to climate and living conditions. However, the restrictions on position coverage do not permit payment of travel expenses from residence in Alaska to the duty station. As a result, very few Alaska residents are available for employment with the Bureau. Consequently, the Bureau recruits in the continental United States and pays transportation expenses to and from Alaska under another legal authority. This inability to pay travel expenses for Alaska residents often results in a much greater expenditure of public funds as the result of recruiting from the continental United States.

4. Changing programs result in the need for new kinds of employees, including some in critical shortage occupations. Trend toward mechanization in the Post Office Department may encompass need for positions in the electronic computer areas.

5. Strategic Air Command cannot now obtain an adequate number of digital computer programmers to staff their Control Division. Primary programing effort of this Division is directed toward the execution and control of the emergency war plan. The relationship to national security is obvious; however, the restriction on position coverage does not permit payment.

Other examples cited by the Federal agencies were landscape architects, management interns, geneticists, physiologists, pathologists, entomologists, soil scientists, psychologists, biologists, biochemists, biophysicists, pharmacists, bacteriologists, actuaries, librarians, and medical technologists.

The fact that these positions have been cited by the agencies as examples of positions for which payment of travel and moving expenses is justified by the recruitment situation does not necessarily mean that all will qualify under the requirement that there must be an established manpower shortage. Perhaps some of these positions will qualify only in certain geographic areas.

The requirement that there must be a manpower shortage has been applied in a realistic manner by the Civil Service Commission. In general, the Commission has applied the same principles and procedures for determining shortage occupations for this purpose as is done in determining shortages under section 803 of the Classification Act of 1949, as amended. Under this section, the Commission is charged by Congress with raising rates for hard-to-fill positions so as to assist in providing an adequate supply of employees to meet the vital need of Federal agencies.

Special problem on student trainee

Several departments have recommended that the law be revised to authorize payment of travel and moving expenses of student trainees who are on leave without pay attending college and who, upon graduation, are planning to return to their agencies in a professional capacity. Since these trainees are already on the agency's rolls, they cannot be considered as new appointees. Agencies have invested heavily in money and time in the training of these students. Unless payment of their travel and moving expenses at time of graduation is possible, there is the strong likelihood that many will resign and accept other employment. They will then receive payment for their travel and moving expenses from their new employers. A high percentage of senior students are married and have children. The payment of moving expenses to the first "permanent" post of professional duty takes on unusually high significance, especially since the families are often in debt. Enactment of this provision will affect very few employees, but will remove a source of irritation over unequal treatment of two groups of new professional employees.

CURRENT PRACTICES IN PRIVATE INDUSTRY

Comments of the Federal agencies, reflecting the experiences of their recruiters who are in daily competition with recruiters from industry, confirm the fact that, generally speaking, industry continues to pay more money for more benefits to new and prospective employees in more job categories than does the Federal Government.

Atomic Energy Commission contractors

The practices of 19 large industrial contractors and 7 academic contractors, which together employ approximately 89 percent of the over 100,000 AEC contractor employees, were examined. All but one regularly pay the travel and moving expenses of new key and professional employees; the remaining contractor will pay on occasion; 14 of the 26 contractors will regularly pay these expenses for all new employees, regardless of occupation; 24 contractors provide allowances in addition to payment for travel and moving expenses, these usually including subsistence expenses for the family for up to 30 days.

Twenty-five of the twenty-six contractors also provide for pre-employment interviews at company expense. These payments are usually limited to interviews of technical, scientific, and other key personnel.

Office of Naval Research contractors

A 1956 survey shows that 75 percent of all ONR contractors pay moving expenses and personal family travel costs for new employees in shortage categories.

A recent survey reveals that upwards of 90 percent of the approximately 2,500 ONR contractors now pay these expenses.

Air Research and Development Command contractors

A 1956 survey shows that ARDC has approximately 145 contractors of the large industrial type. Of these firms, 90 percent pay travel and moving expenses for new employees and their families.

A recent survey indicates that approximately 90 percent of these large industrial contractors have continued to pay these expenses,

and that the trend has been toward more liberal benefits in terms of subsistence and other allowances.

In all contracts—AEC, ONR, and ARDC—the practice of paying travel expenses extends to the preemployment interviews. Most large corporations and hundreds of smaller firms have Government contracts. In order to more readily justify payment of travel and moving expenses for new employees in their Government contracts, they generally provide for these payments to all of their employees—whether or not utilized on Government contracts.

Advertisements in newspapers and journals

Such large companies as RCA, Western Electric, American Standard, Remington Rand, Westinghouse, Raytheon, and General Aniline—all large users of scientific and engineering personnel—are some of the recent advertisers who state that they will pay the relocation expenses of new employees. Payments are not confined to scientists and engineers. Advertisements stating that travel and moving expenses will be paid for such positions as sales representative, cost manager, systems consultant, financial analyst, systems analyst, auditor, tax supervisor, personnel director, market research manager, cost estimator, manager of manufacturing, maintenance foreman, digital computer programmer and trainee, salary analyst, inventory control manager, marketing director, cost analyst, and skills training specialists were noted recently.

COST

Cost of the proposed legislation is estimated at \$1,050,000 per year. This figure is based on estimates that 3,000 new employees for whom travel and moving expenses would be paid will be hired annually. The average cost per hire for moving household goods and for payment of personal travel expenses and per diem is estimated at \$350. This figure is based on agency experience during the past year.

The proposed legislation will not involve any expenditures for personal services.

COMPARATIVE ANALYSIS

Public Law 85-749, approved August 25, 1958, amended section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended, 5 U.S.C. 73b-3) to provide for the payment of travel and transportation costs of certain new employees. Public Law 85-749 will expire on August 24, 1960. This amendment to section 7 of the Administrative Expenses Act becomes permanent under provisions of the draft bill. The bill differs from Public Law 85-749 in several respects. These differences are:

Section 1 of the bill authorizes payment for travel and transportation expenses of persons appointed to positions for which there is determined by the Civil Service Commission to be a manpower shortage. Public Law 85-749 restricted such payments to persons appointed to positions in the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions for which there is determined by the Civil Service Commission to be a manpower shortage in those skills which are critical to the national security effort. This change is based on the experiences of the Federal agencies in operating under Public Law 85-749.

Section 1 of the bill authorizes payments to persons appointed to positions in the United States. Public Law 85-749 referred to positions in the continental United States and Alaska. This change is occasioned by the recent change in political status of Alaska and Hawaii from Territories to States. The bill provides for payment of expenses in connection with appointments in the 50 States and the District of Columbia.

Section 1 of the bill authorizes payments to student trainees when promoted upon completion of college work. Student trainees are already on agency rolls and are not new appointees. Public Law 85-749 restricted payments to new appointees. This change is also based on the experiences of the Federal agencies in operating under Public Law 85-749. Inclusion of student trainees has required several editorial revisions of the language in Public Law 85-749. These are:

(1) Revision of the statement in Public Law 85-749: “* * * at time of selection to their first duty station”. This statement now reads: “at time of selection or promotion to their duty station”.

(2) Revision of the statement in Public Law 85-749 “* * * unless the person selected for appointment shall agree in writing to remain in the Government service for twelve months following his appointment unless separated * * *”. This statement now reads: “* * * unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated * * *”.

(3) Deletion of the statements “for persons selected for appointment” and “for appointment”. These statements are not now accurate with the additional coverage of student trainees. The words have been deleted since they are not essential. The italicized words in the following quotation from Public Law 85-749 are the words which are deleted in the bill:

Such travel expenses may include per diem and mileage allowance *for persons selected for appointment* as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected *for appointment* has been appointed * * *.

Section 1 of the bill contains language to assure that travel and transportation expenses of a student trainee shall not be paid on more than one occasion.

Section 1 of the bill does not contain any time limitation. Public Law 85-749 provided an expiration date 2 years from date of enactment into law.

The last sentence in Public Law 85-749 referred to “persons designated in subsection (b) and (c) hereof”. The reference to “subsection (c)” is surplus language and has been deleted in the bill.

Section 2 of the bill provides an effective date of August 25, 1960. Public Law 85-749, approved August 25, 1958, will expire on August 24, 1960.

CONCLUSION

Based upon the report of the experiences of Federal agencies in recruiting for positions for which travel and moving expenses were authorized by Public Law 85-749, and the unanimity of their views

on the importance of this program in effective recruitment, the committee concluded that it should be made permanent and that the broadened coverage was desirable and in the public interest.

AGENCY COMMENTS

As previously indicated, S. 3485 represents the coordinated views of interested agencies and departments of the Government.

The views of the Civil Service Commission, which initiated this measure, and those of the Bureau of the Budget and the Comptroller General, follow:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 22, 1960.

HON. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: We are submitting for the consideration of the Congress proposed legislation that would authorize the payment of travel and moving expenses for certain new employees of the Federal Government. There are enclosed (1) a draft bill; (2) a section analysis of the proposed bill; and (3) a statement of purpose and justification.

The proposed bill, which does not contain any time limitations, is intended to supersede Public Law 85-749, which expires on August 24, 1960. Public Law 85-749 authorized the payment of travel and moving expenses of certain new employees to their first post of duty.

The proposed bill lifts certain restrictions on position coverage which now appear in Public Law 85-749. It contains a minor change from Public Law 85-749 in order to correct an inequity which now exists with respect to student trainees who are employed on a part-time basis by the Federal Government while they are completing their college training. All proposed changes were recommended by the Federal agencies who have been operating under the terms of Public Law 85-749 since August 1958, and who believe that the changes will further improve our competitive position with private industry in the recruiting of scientists, engineers, and other "shortage" specialists.

Early action by the Congress on this important legislation will limit, or perhaps eliminate, the period of time during which agency recruiting officials will be required to make conditional statements to applicants concerning the Government's ability to pay travel and moving expenses.

The Bureau of the Budget advises us that there would be no objection to the submission of this draft bill to Congress.

By direction of the Commission:

Sincerely yours,

ROGER W. JONES, *Chairman.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 18, 1960.

HON. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of May 9, 1960, requests an expression of our views on S. 3485.

The bill would, in effect, supersede and enlarge the provisions of Public Law 85-749, approved August 25, 1958. The bill, if enacted, would be effective August 25, 1960, the expiration date of the referred-to act. This bill would amend section 7 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-3), to authorize the payment of travel and transportation expenses of "persons appointed, and of student trainees upon completion of college work" to certain Government positions (in certain situations) in the United States and Alaska, including transportation of dependents and household effects.

Thus, in addition to its removing any limitation on the subject matter of Public Law 85-749, the bill would broaden the coverage thereof to persons selected or appointed to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage (including student trainees when promoted upon completion of college work). The provision of title 5, United States Code, section 73b-3 (b), (c), (d), Public Law 85-749, as it presently exists limits the determination of the Civil Service Commission as to manpower shortage to positions in the natural and mathematical sciences, engineering, and architectural fields, and related technical positions.

While we have no facts indicating the need for extending the coverage of title 5, United States Code, section 73b-3 (b), (c), (d), as indicated above, it would seem that shortages of manpower do occur in categories other than those now specified in such statute and that it would be reasonable to permit the Civil Service Commission to make the determinations in that respect. Moreover, we see no objection to including student trainees (when promoted upon completion of college work) within the coverage of the bill.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 19, 1960.

HON. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR McCLELLAN: Reference is made to your request for the views of the Bureau of the Budget respecting S. 3485, to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

The proposal, requested by the Civil Service Commission, would make permanent the provisions of Public Law 85-749 relating to pre-

appointment travel and moving expenses, with certain revisions designed to permit greater flexibility in its application. Public Law 85-749 expires August 24, 1960.

The views of departments and agencies interested in this authority were solicited by the Civil Service Commission in developing its January 1960 report to your committee. That report, covering agency operations under Public Law 85-749, included agency recommendations for amendment of the authority. It is understood the provisions of S. 3485 carry out agency proposals with respect to use of the authority and its continuation.

The Bureau of the Budget would have no objection to enactment of the proposal.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with section 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by this bill are shown as follows (matter omitted is enclosed in brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

SECTION 7 OF THE ADMINISTRATIVE EXPENSES ACT OF 1946, AS AMENDED (60 STAT. 808, AS AMENDED, 5 U.S.C. 73b-3)

* * * * *

(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed, *and of student trainees when promoted upon completion of college work*, to positions [in the natural and mathematical sciences, engineering, and architectural fields, and to related technical positions] in the [continental] United States [and Alaska] for which there is determined by the Civil Service Commission to be a manpower shortage, [in those skills which are critical to the national security effort,] and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection *or promotion* to their [first] duty station. *Travel and transportation expenses shall not be paid upon promotion of a student trainee after completion of college work if such expenses were paid upon his appointment as a student trainee.* Such travel expense may include per diem and mileage allowance [for persons selected for appointment] as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected [for appointment] has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this section shall not be allowed unless the person selected *or promoted* [for appointment] shall agree in writing to remain in the Government service for twelve months following his appointment *or promotion* unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case

of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

(c) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated. [The provisions of subsection (b) and (c) of section 7 of this Act shall expire two years from the date of their enactment into law.]

(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) [and (c)] hereof.



Calendar No. 1647

86TH CONGRESS
2D SESSION

S. 3485

[Report No. 1584]

IN THE SENATE OF THE UNITED STATES

MAY 5, 1960

Mr. McCLELLAN (by request) introduced the following bill; which was read twice and referred to the Committee on Government Operations

JUNE 15, 1960

Reported by Mr. McCLELLAN, without amendment

A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That subsections (b) to (d), inclusive, of section 7 of the
4 Administrative Expenses Act of 1946 (60 Stat. 808, as
5 amended, 5 U.S.C. 73b-3) are amended to read as follows:

6 “(b) Appropriations for the departments shall be avail-
7 able in accordance with regulations prescribed by the Presi-
8 dent, for expenses of travel of persons appointed, and of

1 student trainees when promoted upon completion of college
2 work, to positions in the United States for which there is
3 determined by the Civil Service Commission to be a man-
4 power shortage, and for expenses of transportation of their
5 immediate families and their household goods and personal
6 effects and for advances of funds to the extent authorized by
7 section 1 (a) and (b) of this Act, from their places of actual
8 residence at time of selection or promotion to their duty
9 station. Travel and transportation expenses shall not be paid
10 upon promotion of a student trainee after completion of col-
11 lege work if such expenses were paid upon his appointment
12 as a student trainee. Such travel expenses may include per
13 diem and mileage allowance as provided for civilian officers
14 and employees by the Travel Expense Act of 1949, as
15 amended. Travel and transportation expenses may be al-
16 lowed whether the person selected has been appointed or not
17 at the time of such travel. However, the travel and trans-
18 portation expenses authorized by this subsection shall not
19 be allowed unless the person selected or promoted shall agree
20 in writing to remain in the Government service for twelve
21 months following his appointment or promotion unless
22 separated for reasons beyond his control and acceptable to the
23 department or agency concerned. In case of violation of
24 such agreement, any moneys expended by the United States
25 on account of such travel and transportation shall be recover-

1 able from the individual concerned as a debt due the United
2 States.

3 “(c) The authority of the Civil Service Commission to
4 determine for purposes of this Act positions for which there
5 is a manpower shortage shall not be delegated.

6 “(d) Nothing contained in this section shall impair or
7 otherwise affect the authority of any department under exist-
8 ing law to pay travel and transportation expenses of persons
9 designated in subsection (b) hereof.”

10 SEC. 2. This Act shall take effect as of August 25, 1960.

86TH CONGRESS
2D SESSION

S. 3485

[Report No. 1584]

A BILL

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

By Mr. McCLELLAN

MAY 5, 1960

Read twice and referred to the Committee on Government Operations

JUNE 15, 1960

Reported without amendment

June 18, 1960

calendar, and Poage farm bill; and for the remainder of the week: supplemental appropriation bill, H. R. 12176, extension of farm labor program, H. R. 7624, food additives bill, and H. R. 9996, importation of excess property.
(p. 12136) He Also stated that any votes on Mon. or Tues. would go over until Wed. (p. 12174)

18. ADJOURNED until Mon., June 20, p. 12175

SENATE - JUNE 18

19. COTTON. Passed as reported H. R. 11646, to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision. p. 12275

Passed without amendment H. R. 12115, to extend the minimum national marketing quota for extra long staple cotton to the 1961 crop. This bill will now be sent to the President. p. 12276

20. DAIRY PRICE SUPPORTS. Passed over, at the request of Sen. Hart, S. 2917, to establish a price support level for milk and butterfat. p. 12275

21. ACREAGE ALLOTMENTS. Passed as reported S. 3117, to treat all basic agricultural commodities alike with respect to the cost of remeasuring acreage. p. 12276

22. CHEMICAL PESTICIDES. Passed without amendment H. R. 7480, to amend the Federal Food, Drug, and Cosmetic Act so as to provide that the term "chemical preservative" shall not apply to a pesticide chemical when used in or on a raw agricultural commodity produced from the soil, and to require that shipping containers for raw agricultural commodities be labeled to indicate by name or function the presence of any pesticide chemical that had been applied after harvest. This bill will now be sent to the President. pp. 12269-70

Passed over, at the Request of Sen. Hart, S. 3473, to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls. p. 12276

Sens. Curtis and Carlson criticized a statement by the Food and Drug Administration that the use of 2-4D weed killer on wheat fields might make the wheat unsalable, and invited any interested Senators to a meeting scheduled today for resolving the problem created by this announcement. pp. 12310-2

23. PERSONNEL. Passed over, at the request of Sen. Hart, H. R. 4601, to amend the act of Sept. 1, 1954, in order to limit to cases involving the national security the prohibition of payment of annuities and retired pay to officers and employees of the U. S. and S. 1638, to provide for an effective system of personnel administration for the executive branch of the Government. p. 12269

Passed without amendment S. 3486, to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the U. S. p. 12272

Passed without amendment S. 3485, to amend section 7 of the Administrative Expenses Act of 1946, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the U. S. p. 12274

24. WATERSHEDS. Passed without amendment H. R. 11615 (in lieu of similar S. 3383), to amend Sec. 4 of the Watershed Protection and Flood Prevention Act to authorize Federal assistance on watershed projects prior to acquisition of land,

June 18, 1960

Agreed to the following amendments:

By Rep. Coffin to provide that none of the funds for technical cooperation shall be used to initiate any project or activity which has not been justified to the House and Senate (rather than justified to the Committees of Appropriations of the House and Senate as provided in the bill as reported). pp. 12129-30

By Rep. Yates to strike out a provision of the bill which would have provided that none of the funds could be used for the Indus River Basin project in India and Pakistan. pp. 12138-43

By Rep. Roosevelt to increase the appropriation for technical cooperation from \$150,000,000 to \$172,000,000. pp. 12130-1

By Rep. Reuss to strike out a provision of the bill providing that none of the funds shall be used to study the advisability of a Point Four Youth Corps to train young people to serve abroad in the technical cooperation program. pp. 12149-54

11. TRANSPORTATION. The Interstate and Foreign Commerce Committee reported the following bills: p. 12175

S. 1508, without amendment, to provide for the economic regulation of the Alaska Railroad under the Interstate Commerce Act (H. Rept. 1913);

S. 1509, with amendment, to amend the Interstate Commerce Act so as to provide for "grandfather" rights (preference rights for certain carriers operating in the past) for certain motor carriers and freight forwarders in Alaska (H. Rept. 1914).

12. PERSONNEL. The Post Office and Civil Service Committee reported with amendment S. 2857, to amend the Civil Service Retirement Act so as to provide for refunds of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under the act (H. Rept. 1916). p. 12175

13. PUBLIC LANDS. A subcommittee of the Interior and Insular Affairs Committee voted to report with amendment H. R. 10418, to revise the boundaries of the Coronado National Memorial. p. D570

14. FRUIT AND NUT IMPORTS. The "Daily Digest" states that the Rules Committee tabled H. R. 12341, regarding import restrictions on lemons, oranges, figs, dates, and walnuts. p. D570

15. WHEAT; FARM PROGRAM. Rep. Riehlman inserted a newspaper editorial urging enactment of legislation to provide a "new approach" to the farm program, stating that last year "96 factory-style farms collected more than \$50,000 each in cash loans on their wheat." p. 12171

16. SMALL BUSINESS; MARKETING. Rep. Patman inserted his testimony, and that of Rep. McFall, before the House Interstate and Foreign Commerce Committee supporting the enactment of legislation to prohibit the sale of commodities at unreasonably low prices. pp. 12160-66

17. LEGISLATIVE PROGRAM. Rep. Albert announced the following legislative program: Mon., June 20: consent calendar, followed by the following bills under motions to suspend the rules: S. 1508, Alaska railroad regulation, S. 1509, grandfather rights for motor carriers in Alaska, H. R. 9600, donation of surplus property, and H. R. 11499, use of surplus property by States; Tues: Private

SALES AND USE TAXES IMPOSED BY STATES ON BUSINESS ACTIVITIES IN INTERSTATE COMMERCE

The Senate proceeded to consider the bill (S. 3549) to amend the act of September 14, 1959, with respect to sales and use taxes imposed by States on sales and other business activities in interstate commerce, and authorizing studies by congressional committees of this type of taxation, which had been reported from the Committee on Finance, with amendments, on page 1, line 8, after the word "new", to strike out "titles" and insert "title"; at the top of page 2, to strike out:

TITLE III SALES AND USE TAX MINIMUM STANDARD

SEC. 301. (a) No State, or political subdivision thereof, shall have power to impose, after the date of the enactment of this title, a use tax assessment upon any person with respect to sales in interstate commerce if the only business activities within such State by or on behalf of such person during the period for which such assessment is imposed were or are either, or both, of the following:

(1) The solicitation of orders by such person, or his representative, in such State for sales of tangible personal property, which orders are sent outside the State for approval or rejection, and, if approved, are filled by shipment or delivery from a point outside the State; and

(2) The solicitation of orders by such person, or his representative, in such State in the name of or for the benefit of a prospective customer of such person, if orders by such customer to such person to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

(b) the provisions of subsection (a) shall not apply to the imposition of a use tax assessment by any State, or political subdivision thereof, with respect to—

(1) any corporation which is incorporated under the laws of such State; or

(2) any individual who, under the laws of such State, is domiciled in, or a resident of, such State.

(c) For purposes of subsection, (a), person shall not be considered to have engaged in business activities within a State merely by reason of sales in such State, or the solicitation of orders for sales in such State, of tangible personal property on behalf of such person by one or more independent contractors, or by reason of the maintenance of an office in such State by one or more independent contractors whose activities on behalf of such person in such State consist solely of making sales, or soliciting orders for sales, of tangible personal property.

(d) For purposes of this section—

(1) the term "independent contractor" means a commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of, tangible personal property for more than one principal and who holds himself out as such in the regular course of his business activities;

(2) the term "representative" does not include an independent contractor; and

(3) the term "use tax assessment" means any assessment, fine, or penalty imposed or levied under the provisions of the retail sales and use tax law of any State because of the failure or refusal of a seller either to: (A) register as a seller or dealer; (B) collect a use tax from a purchaser; (C) file a use tax return; or (D) remit the use tax to such State.

(e) The provisions of subsection (a) shall not be construed to prohibit the collection, after the date of the enactment of this title, of any use tax assessment which was assessed on or before such date for a period ending on or before such date.

SEC. 302. If any provision of this title or the application of such provision to any person or circumstance is held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

On page 4, line 17, in the heading, after the word "Title", to strike out "IV" and insert "III"; in line 18, in the heading, after the word "Committees", to insert "On Sales And Use Taxes"; at the beginning of line 20, to change the section number from "401" to "301"; and on page 5, at the beginning of line 7, to change the section number from "402" to "302"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act relating to the power of the States to impose net income taxes on income derived from interstate commerce, and authorizing studies by congressional committees of matters pertaining thereto", approved September 14, 1959 (Public Law 86-272), is amended by adding at the end thereof the following new title:

"TITLE III—STUDY AND REPORT BY CONGRESSIONAL COMMITTEES ON SALES AND USE TAXES

"SEC. 301. The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittee thereof, shall make full and complete studies of all matters pertaining to the imposition of sales and use taxes by the States on sales and other business activities which are exclusively in furtherance of interstate commerce, or which are a part of interstate commerce, for the purpose of recommending to Congress proposed legislation providing uniform standards to be observed by the States in imposing sales and use taxes on such sales and business activities.

"SEC. 302. The committees shall report to their respective Houses the results of the studies authorized by this title together with their proposals for legislation on or before July 1, 1962."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the Act of September 14, 1959, to authorize studies by congressional committees with respect to sales and use taxes imposed by the States on sales and other business activities in interstate commerce."

PAYMENT OF DEBTS OUT OF COMPENSATION FOR TRUST LAND ON LOWER BRULE SIOUX RESERVATION

The bill (H.R. 6456) concerning payment of debts out of compensation for trust land on the Lower Brule Sioux Reservation taken by the United States was considered, ordered to a third reading, read the third time, and passed.

PAYMENT OF DEBTS OUT OF COMPENSATION FOR TRUST LAND ON STANDING ROCK SIOUX RESERVATION

The bill (H.R. 6498) concerning payment of debts out of compensation for

trust land on the Standing Rock Reservation taken by the United States was considered, ordered to a third reading, read the third time, and passed.

PAYMENT OF DEBTS OUT OF COMPENSATION FOR TRUST LAND ON THE CROW CREEK SIOUX RESERVATION

The bill (H.R. 6529) concerning payment of debts out of compensation for trust land on the Crow Creek Sioux Reservation taken by the United States was considered, ordered to a third reading, read the third time, and passed.

PREPARATION OF ROLL OF MEMBERS OF THE OTOE AND MISSOURIA TRIBE AND DISTRIBUTION OF JUDGMENT FUNDS

The bill (H.R. 10639) to amend section 3(b) of the act of May 9, 1958 (72 Stat. 105), relating to the preparation of a roll of the members of the Otoe and Missouri Tribe and to per capita distribution of judgment funds was considered, ordered to a third reading, read the third time, and passed.

KICKAPOO TRIBAL COUNCIL OF OKLAHOMA

The bill (H.R. 9028) to provide that certain funds shall be paid to the Kickapoo Tribal Council of Oklahoma was considered, ordered to a third reading, read the third time, and passed.

DONATION OF TRACT OF LAND ON THE OJO DEL ESPERITU SANTO GRANT, N. MEX.

The bill (H.R. 11161) to donate to the Pueblos of Zia and Jemez a tract of land on the Ojo del Esperitu Santo grant, N. Mex., was considered, ordered to a third reading, read the third time, and passed.

PAYMENT IN ADVANCE FOR REQUIRED PUBLICATIONS

The bill (S. 3579) to authorize agencies of the Government of the United States to pay in advance for required publications, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 12, 1930 (46 Stat. 580), is amended by (1) inserting after the word "subscription" the words "or other", and (2) deleting the words "and other periodicals" and inserting in lieu thereof the words "periodicals, and other publications".

SEC. 2. The following parts of Acts and all amendments thereto are repealed:

(1) The proviso to the paragraph headed "General Expense Library" under the caption "Library, Department of Agriculture" in the Act of March 4, 1909 (35 Stat. 1054);

(2) The first proviso to the paragraph headed "Regular Supplies, Quartermaster Corps" in the Act of April 27, 1914 (38 Stat. 362);

(3) The first parenthetical phrase under the caption "Pay, Miscellaneous" in the Act of March 3, 1915 (38 Stat. 929);

(4) Section 5 of the Act of March 4, 1915 (38 Stat. 1049);

(5) The tenth paragraph under the caption "United States Veterans' Bureau" in the Act of June 7, 1924 (43 Stat. 533).

PAYMENT OF TRAVEL AND TRANSPORTATION COSTS

The bill (S. 3485) to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation costs for persons selected for appointment to certain positions in the United States, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b) to (d), inclusive, of section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended, 5 U.S.C. 73b-3) are amended to read as follows:

"(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed, and of student trainees when promoted upon completion of college work, to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence, at time of selection or promotion to their duty station. Travel and transportation expenses shall not be paid upon promotion of a student trainee after completion of college work if such expenses were paid upon his appointment as a student trainee. Such travel expenses may include per diem and mileage allowance as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

"(c) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated.

"(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) hereof."

SEC. 2. This Act shall take effect as of August 25, 1960.

NEGOTIATED CONTRACTS

The Senate proceeded to consider the bill (S. 3487) to amend the "Anti-Kickback Statute" to extend it to all negotiated contracts, which had been reported from the Committee on Government Operations, with an amendment,

on page 2, line 24, after the word "any", to strike out "negotiated", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 8, 1946 (60 Stat. 37), entitled "An Act to eliminate the practice by subcontractors, under cost-plus-a-fixed-fee or cost reimbursable contracts of the United States, of paying fees or kickbacks, or of granting gifts or gratuities to employees of a cost-plus-a-fixed-fee or cost reimbursable prime contractors or of higher tier subcontractors for the purpose of securing the award of subcontracts or orders" is hereby amended to read as follows:

"That the payment of any fee, commission, or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, by or on behalf of a subcontractor, as hereinafter defined, (1) to any officer, partner, employee, or agent of a prime contractor holding a negotiated contract entered into by any department, agency, or establishment of the United States for the furnishing of supplies, materials, equipment, or services of any kind whatsoever; or to any such prime contractor, or (2) to any officer, partner, employee, or agent of a higher tier subcontractor holding a subcontract under the prime contract, or to any such subcontractor either as an inducement for the award of a subcontract or order from the prime contractor or any subcontractor, or as an acknowledgment of a subcontract or order previously awarded, is hereby prohibited. The amount of any such fee, commission, or compensation or the cost or expense of any such gratuity or gift, whether heretofore or hereafter paid or incurred by the contractor, shall not be charged, either directly or indirectly, as a part of the contract price charged by the subcontractor to the prime contractor or higher tier subcontractor. The amount of any such fee, cost, or expense shall be recoverable on behalf of the United States from the subcontractor or the recipient thereof by setoff of moneys otherwise owing to the subcontractor either directly by the United States, or by a prime contractor under any contract or by an action in an appropriate court of the United States. Upon a showing that a subcontractor paid fees, commissions, or compensation or granted gifts or gratuities to an officer, partner, employee, or agent of a prime contractor or of another higher tier subcontractor, in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the cost of such expense was included in the price of the subcontract or order and ultimately borne by the United States. Upon the direction of the contracting department or agency or of the General Accounting Office, the prime contractor shall withhold from sums otherwise due a subcontractor any amount reported to have been found to have been paid by a subcontractor as a fee, commission, or compensation or as a gift or gratuity to an officer, partner, employee, or agent of the prime contractor or another higher tier subcontractor."

SEC. 2. For the purpose of this Act, the term "subcontractor" is defined as any person, including a corporation, partnership, or business association of any kind, who holds an agreement or purchase order to perform all or any part of the work or to make or furnish any article or service required for the performance of a negotiated contract or of a subcontract entered thereunder, the term "person" shall include any subcontractor, corporation, association, trust, joint stock company, partnership, or individual, and the term "negotiated contract" means made without formal advertising.

SEC. 3. For the purpose of ascertaining whether such fees, commissions, compensation, gifts, or gratuities have been paid or granted by a subcontractor, the General Accounting Office shall have the power to inspect the plants and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a negotiated contract.

SEC. 4. Any person who shall knowingly, directly or indirectly, make or receive any such prohibited payment shall be fined not more than \$10,000 or be imprisoned for not more than two years, or both.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCE OF ALL LANDS COMPRISING FORT DEARBORN, AND RYE AIR FORCE BASE, N.H.

The Senate proceeded to consider the bill (S. 2712) to authorize the Administrator of General Services to convey all lands comprising Fort Dearborn, Rye, N.H., and Rye Air Force Base, Rye, N.H., to certain former owners of such lands, which had been reported from the Committee on Government Operations, with an amendment on page 2, line 22, after the word "Administrator", to strike out the comma and "through negotiations with the former owner, to be a fair and equitable price" and insert "of General Services to be equal to the current fair market value", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, the Administrator of General Services is authorized to convey all right, title, and interest of the United States in and to all lands comprising Fort Dearborn, Rye, New Hampshire (consisting of ninety-one and forty-four one hundredths acres), and Rye Air Force Base, Rye, New Hampshire (consisting of approximately forty-four acres), acquired by the United States during World War II and which have been declared to be surplus to the needs of the United States, to the former owners of such land or any interest therein, upon receipt by the Administrator from any such owner of an application for reconveyance as hereinafter provided.

(b) In any manner as he shall by regulation prescribe, the Administrator shall give notice to the former owner of the availability for reconveyance of land or interest in land pursuant to this Act. Such reconveyance shall be made only after the Administrator has received from the former owner an application for reconveyance in the form prescribed by the Administrator by regulation. Such application shall be made within a period of forty-five days following the date of issuance of such notice.

(c) Any reconveyance of land or interest in land made pursuant to this Act shall be subject to (1) such exceptions, restrictions, and reservations as the Administrator may determine are in the public interest; and (2) payment by the former owner as consideration for the reconveyance of an amount determined by the Administrator of General Services to be equal to the current fair market value.

SEC. 2. Where arrangements satisfactory to the Administrator have not been made during a ninety-day period following the date of issuance of the notice provided for in subsection (b) of the first section of this Act, the Administrator may dispose of any land

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued June 27, 1960

For actions of June 24 and

June 25, 1960

86th-2d, Nos. 117 and 118

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HIGHLIGHTS: House Rules Committee cleared bill to extend Mexican farm labor program. House passed over agricultural attache assignment bill. Sen. Douglas criticized Administration's depressed areas bill. Several Senators urged reduction in Cuban sugar quotas. Senate passed measure to accelerate reforestation programs. Senate committee reported bill to increase per diem travel allowance. House passed bill on use of color additives in food.

HOUSE - June 24

1. FARM LABOR. The Rules Committee reported a resolution for consideration of H. R. 12759, to extend the Mexican farm labor program for 2 years, until June 30, 1963 (p. 13266). The report of the Agriculture Committee states that a 2-year extension of the program "will permit consideration in the next Congress in an unhurried manner and without the pressure of having to legislate against the deadline of an expiring act any changes in the law which the Department of Agriculture and the Department of Labor may propose. At hearings held on this subject during this session of Congress, these Departments indicated that they were studying this subject and intended to submit to Congress certain proposals for amending the law, but that they were not in a position to make these proposals at this session of Congress."

2. AGRICULTURAL ATTACHES; PERSONNEL. Passed over without prejudice, at the request of Rep. Gross, H. R. 8074, to permit the assignment of agricultural attaches to positions in the U. S. for a maximum of four years without reduction in grade. p. 13185
3. ACREAGE ALLOTMENTS. Passed without amendment H. R. 12420, to provide a uniform law for the remeasurement of farm acreage allotments when such remeasurement is requested by a farm operator, and to provide uniform conditions under which the operator pays for such remeasurement. p. 13206
4. ANIMAL IMPORTS. Passed as reported H. R. 10598, to amend and clarify certain provisions of the Criminal Code so as to reduce the hazards arising from the importation of injurious wild animals, to curtail traffic in such species, and to define types of wild animals and methods of transportation to which the code applies. p. 13196
5. MARKETING; HAZARDOUS SUBSTANCES. Passed with amendments S. 1283, to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use. pp. 13198-202
6. PROPERTY. Passed without amendment S. 1018, to direct the Postmaster General and the Administrator of GSA to transfer certain personal property to State and county agencies engaged in cooperative agricultural extension work. A similar bill, H. R. 9600, was tabled. (p. 13202) This bill will now be sent to the President.
Passed without amendment H. R. 11499, to amend the Federal Property and Administrative Services Act so as to authorize the use of surplus personal property by State distribution agencies. p. 13202
7. PERSONNEL. Passed without amendment S. 3485, to amend section 7 of the Administrative Expenses Act of 1946 so as to provide for the payment of travel and transportation cost for persons selected for appointment to positions in the U. S. for which the Civil Service Commission determines there is a manpower shortage. A similar bill, H. R. 12273, was tabled. (pp. 13202-3). This bill will now be sent to the President.
Passed as reported H. R. 7810, to credit periods of internment during World War II to certain Federal employees of Japanese ancestry for purposes of retirement and leave. p. 13204
The Post Office and Civil Service Committee reported without amendment H. R. 12336, to amend the Classification Act of 1949 so as to preserve the basic compensation of employees in certain downgrading actions (H. Rept. 1979). p. 13266
The Post Office and Civil Service Committee reported with amendment H. R. 543, to amend the Classification Act of 1949 so as to provide a formula for guaranteeing a minimum increase in salary when an employee is promoted from one grade to another (H. Rept. 1981). p. 13266
Rep. Hoffman criticized "Mr. Doherty who represents Federal employees" for reports that he "threatens to bring his pressure group to fill the gallery and our offices in Washington to intimidate us ... to override a veto of the pay bill should the President veto it." pp. 13251-2
8. SUGAR. The "Daily Digest" states that the Agriculture committee met "on proposed sugar legislation but made no announcements." p. D611
9. CONTRACTS. Passed with amendment S. 3487, to amend the Anti-Kickback Act so as to extend it to all negotiated Government contracts. The act now only applies to

substance to which such request relates: *Provided*, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided further*, That carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage, holding, or delivery of hazardous substances in the usual course of business as carriers.

PUBLICITY

SEC. 13. (a) The Secretary may cause to be published from time to time reports summarizing any judgments, decrees, or court orders which have been rendered under this Act, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated information regarding hazardous substances in situations involving, in the opinion of the Secretary, imminent danger to health. Nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of the Department.

IMPORTS

SEC. 14. (a) The Secretary of the Treasury shall deliver to the Secretary of Health, Education, and Welfare, upon his request, samples of hazardous substances which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Health, Education, and Welfare and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such hazardous substance is in misbranded packages or in violation of section 4(f), then such hazardous substance shall be refused admission, except as provided in subsection (b) of this section. The Secretary of the Treasury shall cause the destruction of any such hazardous substance refused admission unless such hazardous substance is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

(b) Pending decision as to the admission of a hazardous substance being imported or offered for import, the Secretary of the Treasury may authorize delivery of such hazardous substance to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury. If it appears to the Secretary of Health, Education, and Welfare that the hazardous substance can, by relabeling or other action, be brought into compliance with this Act, final determination as to admission of such hazardous substance may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this subsection, the Secretary may, in accordance with regulations, authorize the applicant to perform such relabeling or other action specified in such authorization (including destruction or export of rejected hazardous substances or portions thereof, as may be specified in the Secretary's authorization). All such relabeling or other action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Department of Health, Education, and Welfare designated by the Secretary, or an officer or employee of the Department of the Treasury designated by the Secretary of the Treasury.

(c) All expenses (including travel, per diem, or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in subsection (a) of this section and the supervision of the relabeling or other action authorized under the provisions of subsection

(b) of this section, the amount of such expenses to be determined in accordance with regulations, and all expenses in connection with the storage, cartage, or labor with respect to any hazardous substance refused admission under subsection (a) of this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

TIME OF TAKING EFFECT

SEC. 16. This Act shall take effect upon the date of its enactment; but no penalty or condemnation shall be enforced for any violation of this Act which occurs—

(a) prior to the expiration of the sixth calendar month after the month in which this Act is enacted, or

(b) prior to the expiration of such additional period or periods, ending not more than eighteen months after the month of enactment of this Act, as the Secretary may prescribe on the basis of a finding that conditions exist which necessitate the prescribing of such additional period or periods: *Provided*, That the Secretary may limit the application of such additional period or periods to violations related to specified provisions of this Act, or to specified kinds of hazardous substances or packages thereof.

APPLICATION TO EXISTING LAW

SEC. 17. Nothing in this Act shall be construed to modify or affect the provisions of chapter 39, title 18, United States Code, as amended (18 U.S.C. 831 et seq.), or any regulations promulgated thereunder, or under sections 204(a) (2) and 204(a) (3) of the Interstate Commerce Act, as amended (relating to the transportation of dangerous substances and explosives by surface carriers); or of section 1716, title 18, United States Code, or any regulations promulgated thereunder (relating to mailing of dangerous substances); or of section 902 or regulations promulgated under section 601 of the Federal Aviation Act of 1958 (relating to transportation of dangerous substances and explosives in aircraft); or of the Federal Food, Drug, and Cosmetic Act; or of the Public Health Service Act; or of the Federal Insecticide, Fungicide, and Rodenticide Act; or of the Dangerous Drug Act for the District of Columbia (70 Stat. 612), or the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (34 Stat. 175), as amended; or of any other Act of Congress, except as specified in section 18.

REPEAL OF FEDERAL CAUSTIC POISON ACT

SEC. 18. The Federal Caustic Poison Act (44 Stat. 1406) is repealed effective at the close of the sixth calendar month after the month of enactment of this Act: *Provided*, That if the Secretary, pursuant to section 16(b) of this Act, prescribes an additional period or periods during which violations of this Act shall not be enforceable and if such additional period or periods are applicable to violations of this Act involving one or more substances defined as "dangerous caustic or corrosive substances" by the Federal Caustic Poison Act, that Act shall, with respect to such substance or substances, remain in full force and effect during such additional period or periods: *Provided further*, That, with respect to violations, liabilities incurred or appeals taken prior to the close of said sixth month or, if applicable, prior to the expiration of the additional period or periods referred to in the preceding

proviso, all provisions of the Federal Caustic Poison Act shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violations, liabilities, and appeals.

With the following committee amendments:

(1) On page 3, line 14, strike out "bulk".
(2) On page 5, line 24, strike out the comma following "solids".

(3) On page 6, line 11, strike out "appearing" and insert in lieu thereof "appear".

(4) On page 11, strike out lines 21 and 22 and insert in lieu thereof the following:

"(g) The manufacture of a misbranded package of a hazardous substance within the District of Columbia or within any territory not organized with a legislative body."

(5) On page 12, line 13, strike out "offense" and insert in lieu thereof "offenses".

(6) On page 13, line 13, immediately after "country", insert the following: ", but if such hazardous substance is sold or offered for sale in domestic commerce, this clause shall not apply".

(7) On page 15, line 24, strike out "Territory" and insert in lieu thereof "territory".

(8) On page 24, line 9, immediately after "provisions" insert the following: "of the Flammable Fabrics Act, as amended (15 U.S.C. 1191-1200), or any regulations promulgated thereunder; or".

(9) On page 25, line 9, after "Act" insert the following: ", except that the Federal Caustic Poison Act shall remain in full force and effect with respect to any 'dangerous caustic or corrosive substance' (as defined by that Act) which is an article subject to the Federal Food, Drug, and Cosmetic Act and which is, by virtue of paragraph 2 of section 2(f) of this Act, excluded from the term 'hazardous substance' as defined in this Act".

(10) On page 25, line 23, strike out "remains" and insert in lieu thereof "remain".

The committee amendments were agreed to.

Mr. ROBERTS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: On page 8, line 25, strike out "third" and insert in lieu thereof "fourth."

The amendment was agreed to.

Mr. ROBERTS. Mr. Speaker, S. 1283 will regulate the interstate distribution and sale of packages of hazardous substances which are intended or suitable for household use.

In this country each year some 200,000 accidental poisonings occur, resulting in some 5,000 deaths and, of course, a great deal of suffering and economic losses. Many of these poisonings are of youngsters whose parents were unaware of the dangers in harmless-appearing household products. One of the witnesses who appeared before the Subcommittee on Health and Safety in support of this legislation told about a certain household product which had poisoned numerous youngsters. She described it this way:

A most delicious looking furniture polish. It is strawberry colored, and it looks about the same shape as a bottle of strawberry pop.

There was no large type or easily seen warning on the bottle to indicate to parents that it should be kept out of the reach of children because its contents were poisonous.

The reason for this chiefly, I think, is that our labeling laws for hazardous sub-

stances have not been overhauled in nearly a quarter of a century. The Federal Caustic Poison Act was enacted in 1927 and has saved many lives by requiring informative labeling of a few poisonous chemicals which were primarily responsible for home poisonings at the time of enactment. But it is not applicable today to many other poisons which are commonly found in American homes.

Many new products have been developed for use in the household since 1927. In that earlier act, only 12 chemical substances were listed as dangerous caustic or corrosive substances. It is estimated that 15,000 to 20,000 common household products which may be poisonous today would be covered by this new bill.

It should be stated, in fairness, that a good number of those products which are hazardous are labeled voluntarily by manufacturers or packagers. But there should be on the statute books labeling legislation which will embrace all hazardous household articles presently on the market and to be marketed in the future.

S. 1283 should provide a uniform precautionary labeling program which will adequately advise the consumer of the hazards in the use of the product as well as make available immediate information for physicians who are called upon to treat cases of accidental injury. It should also provide a pattern which the States may follow in enacting similar legislation. In the absence of an adequate Federal law, there is the possibility that diverse labeling regulations will be adopted by the States, leading to a multiplicity of requirements and creating unnecessary confusion in labeling, to the detriment of the public.

Mr. Speaker, hearings on my bill on this subject, H.R. 5260, the companion to S. 1283, were held by the subcommittee on March 14, 1960. All the witnesses appearing favored this legislation in principle and most of them recommended the adoption of the Senate-approved bill. The bill S. 1283, with amendments, was reported by the Committee on Interstate and Foreign Commerce on June 14, 1960.

The amendment at page 8, line 25, is a technical amendment, which makes no change in the intended policy of the bill. It is made necessary by a recent amendment to the law.

On Saturday, June 18, 1960, the other body passed, and cleared for the President, H.R. 7847, which amended section 409(g)(2) of the Federal Food, Drug, and Cosmetic Act by adding a new sentence to that section.

The bill (S. 1283) currently under consideration cross refers to the third sentence of such section 409(g)(2). The enactment of H.R. 7847 will render this cross reference incorrect; therefore this amendment—correcting the cross reference—is necessary.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECREATION AND PUBLIC FACILITIES DEVELOPMENT IN RESERVOIR AREAS

The Clerk called the bill (H.R. 12539) to implement section 4 of the Act approved December 22, 1944 (Public Law No. 534, 78th Cong.), as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. At the request of another Member, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSFER OF CERTAIN PERSONAL PROPERTY TO STATE AND COUNTY AGENCIES

The Clerk called the bill (H.R. 9600) to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1018) to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Federal Property and Administrative Services Act of 1949, as amended, or any other law, the Postmaster General and the Administrator of General Services are hereby authorized and directed to transfer, as soon as practicable after date of enactment hereof, without cost, to any State or county agency engaged in cooperative agricultural extension work pursuant to the Act of May 8, 1914, as amended (7 U.S.C. 341-348), for the use of such agency, all right, title, and interest in and to any office equipment, materials, books, or other supplies (whether or not capitalized in a working capital fund established under section 405 of the National Security Act of 1947, as amended, or any similar fund) which have heretofore been assigned for use to any such State or county agency by the Post Office Department or the General Services Administration, respectively.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 9600) was laid on the table.

A motion to reconsider was laid on the table.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

The Clerk called the bill (H.R. 11499) to amend the Federal Property and Ad-

ministrative Services Act of 1949, as amended, so as to authorize the use of surplus personal property by State distribution agencies, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(n) of the Federal Property and Administrative Services Act of 1949, as amended, is hereby amended by adding at the end thereof the following: "In addition, under such cooperative agreements, and subject to such other conditions as may be imposed by the Secretary of Health, Education, and Welfare, or the Director, Office of Civil and Defense Mobilization, surplus property which the Administrator may approve for donation for use in any State for purposes of education, public health, or civil defense, or for research for any such purposes, pursuant to subsection (j)(3) or (j)(4), may with the approval of the Administrator be made available to the State agency after a determination by the Secretary or the Director that such property is necessary to, or would facilitate, the effective operation of the State agency in performing its functions in connection with such program. Upon a determination by the Secretary or the Director that such action is necessary to, or would facilitate, the effective use of such surplus property made available under the terms of a cooperative agreement, title thereto may with the approval of the Administrator be vested in the State agency."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRAVEL COST FOR PERSONS SELECTED FOR APPOINTMENT TO GOVERNMENT POSITIONS

The Clerk called the bill (H.R. 12273) to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3485) to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b) to (d), inclusive, of section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended, 5 U.S.C. 73b-3) are amended to read as follows:

"(b) Appropriations for the departments shall be available in accordance with regu-

lations prescribed by the President, for expenses of travel of persons appointed, and of student trainees when promoted upon completion of college work, to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection or promotion to their duty station. Travel and transportation expenses shall not be paid upon promotion of a student trainee after completion of college work if such expenses were paid upon his appointment as a student trainee. Such travel expenses may include per diem and mileage allowance as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.

"(c) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated.

"(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) hereof."

SEC. 2. This Act shall take effect as of August 25, 1960.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 12273) was laid on the table.

A motion to reconsider was laid on the table.

AMENDING ANTIKICKBACK STATUTE TO EXTEND IT TO ALL NEGOTIATED CONTRACTS

The Clerk called the bill (H.R. 12604) to amend the antikickback statute to extend it to all negotiated contracts.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3487) to amend the antikickback statute to extend it to all negotiated contracts.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 8, 1946 (60 Stat. 37), entitled "An Act to eliminate the practice by subcontractors, under cost-plus-a-fixed-fee or cost reimbursable contracts of the United

States, of paying fees or kickbacks, or of granting gifts or gratuities to employees of a cost-plus-a-fixed-fee or cost reimbursable prime contractors or of higher tier subcontractors for the purpose of securing the award of subcontracts or orders" is hereby amended to read as follows:

"That the payment of any fee, commission, or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, by or on behalf of a subcontractor, as hereinafter defined, (1) to any officer, partner, employee, or agent of a prime contractor holding a negotiated contract entered into by any department, agency, or establishment of the United States for the furnishing of supplies, materials, equipment, or services of any kind whatsoever; or to any such prime contractor, or (2) to any officer, partner, employee, or agent of a higher tier subcontractor holding a subcontract under the prime contract, or to any such subcontractor either as an inducement for the award of a subcontract or order from the prime contractor or any subcontractor, or as an acknowledgment of a subcontract or order previously awarded, is hereby prohibited. The amount of any such fee, commission, or compensation or the cost or expense of any such gratuity or gift, whether heretofore or hereafter paid or incurred by the contractor, shall not be charged, either directly or indirectly, as a part of the contract price charged by the subcontractor to the prime contractor or higher tier subcontractor. The amount of any such fee, cost, or expense shall be recoverable on behalf of the United States from the subcontractor or the recipient thereof by setoff of moneys otherwise owing to the subcontractor either directly by the United States, or by a prime contractor under any contract or by an action in an appropriate court of the United States. Upon a showing that a subcontractor paid fees, commissions, or compensation or granted gifts or gratuities to an officer, partner, employee, or agent of a prime contractor or of another higher tier subcontractor, in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the cost of such expense was included in the price of the subcontract or order and ultimately borne by the United States. Upon the direction of the contracting department or agency or of the General Accounting Office, the prime contractor shall withhold from sums otherwise due a subcontractor any amount reported to have been found to have been paid by a subcontractor as a fee, commission, or compensation or as a gift or gratuity to an officer, partner, employee, or agent of the prime contractor or another higher tier subcontractor."

SEC. 2. For the purpose of this Act, the term "subcontractor" is defined as any person, including a corporation, partnership, or business association of any kind, who holds an agreement or purchase order to perform all or any part of the work or to make or furnish any article or service required for the performance of a negotiated contract or of a subcontract entered thereunder, the term "person" shall include any subcontractor, corporation, association, trust, joint-stock company, partnership, or individual, and the term "negotiated contract" means made without formal advertising.

SEC. 3. For the purpose of ascertaining whether such fees, commissions, compensation, gifts, or gratuities have been paid or granted by a subcontractor, the General Accounting Office shall have the power to inspect the plants and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a negotiated contract.

SEC. 4. Any person who shall knowingly, directly or indirectly, make or receive any such prohibited payment shall be fined not more than \$10,000 or be imprisoned for not more than two years, or both.

Mr. FASCELL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Strike out all after the enacting clause and insert the following:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 8, 1946 (60 Stat. 37), entitled 'An Act to eliminate the practice by subcontractors, under cost-plus-a-fixed-fee or cost reimbursable contracts of the United States, of paying fees or kickbacks, or of granting gifts or gratuities to employees of a cost-plus-a-fixed-fee or cost reimbursable prime contractors or of higher tier subcontractors for the purpose of securing the award of subcontracts or orders' is hereby amended to read as follows:

"That the payment of any fee, commission, or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, by or on behalf of a subcontractor, as hereinafter defined, (1) to any officer, partner, employee, or agent of a prime contractor holding a negotiated contract entered into by any department, agency, or establishment of the United States for the furnishing of supplies, materials, equipment or services of any kind whatsoever; or to any such prime contractor or (2) to any officer, partner, employee, or agent of a higher tier subcontractor holding a subcontract under the prime contract, or to any such subcontractor either as an inducement for the award of a subcontract or order from the prime contractor or any subcontractor, or as an acknowledgment of a subcontract or order previously awarded, is hereby prohibited. The amount of any such fee, commission, or compensation or the cost or expense of any such gratuity or gift, whether heretofore or hereafter paid or incurred by the subcontractor, shall not be charged, either directly or indirectly, as a part of the contract price charged by the subcontractor to the prime contractor or higher tier subcontractor. The amount of any such fee, cost, or expense shall be recoverable on behalf of the United States from the subcontractor or the recipient thereof by setoff of moneys otherwise owing to the subcontractor either directly by the United States, or by a prime contractor under any contract or by an action in an appropriate court of the United States. Upon a showing that a subcontractor paid fees, commissions, or compensation or granted gifts or gratuities to an officer, partner, employee, or agent of a prime contractor or of another higher tier subcontractor, in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the cost of such expense was included in the price of the subcontract or order and ultimately borne by the United States. Upon the direction of the contracting department or agency or of the General Accounting Office, the prime contractor shall withhold from sums otherwise due a subcontractor any amount reported to have been found to have been paid by a subcontractor as a fee, commission, or compensation or as a gift or gratuity to an officer, partner, employee, or agent of the prime contractor or another higher tier subcontractor."

"SEC. 2. For the purpose of this Act, the term 'subcontractor' is defined as any person, including a corporation, partnership, or business association of any kind, who holds an agreement or purchase order to perform all or any part of the work or to make or furnish any article or service required for the performance of a negotiated contract or of a subcontract entered thereunder; the term 'person' shall include any subcontractor, corporation, association, trust, joint-stock company, partnership, or individual;

and the term "negotiated contract" means made without formal advertising.

"SEC. 3. For the purpose of ascertaining whether such fees, commissions, compensation, gifts, or gratuities have been paid or granted by a subcontractor, the General Accounting Office shall have the power to inspect the plants and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a negotiated contract.

"SEC. 4. Any person who shall knowingly, directly or indirectly, make or receive any such prohibited payment shall be fined not more than \$10,000 or be imprisoned for not more than two years, or both."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 12604) was laid on the table.

A motion to reconsider was laid on the table.

EXTENDING EXEMPTION FROM INSPECTION FOR CERTAIN VESSELS CARRYING FREIGHT TO AND FROM SOUTHEASTERN ALASKA

The Clerk called the bill (S. 2669) to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REQUIRING REBUILDING WORK ON DOMESTIC VESSELS TO BE DONE ENTIRELY IN U.S. SHIPYARDS

The Clerk called the bill (S. 3189) to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I simply want to say I am glad to see this interest in protecting American industry and American labor by requiring that the rebuilding of ships be carried out in American yards. I hope that the Members of the House will extend the same treatment to agriculture to help us raise tariffs and otherwise tighten up on the imports of agricultural products that are pouring into the country, in other words, give some protection to agriculture as well as the shipbuilding industry.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of section 27 of the Merchant

Marine Act, 1920, as amended (U.S.C., 1958 edition, title 46, sec. 883), is amended to read as follows: "Provided further, That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt, shall have the right thereafter to engage in the coastwise trade, unless the entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel, is effected within the United States, its Territories (not including trust territories), or its possessions."

SEC. 2. The first sentence of section 2 of the Act of July 14, 1953 (U.S.C. 1958 edition, title 46, sec. 883a) is amended to read: "If any vessel of more than five hundred gross tons documented under the laws of the United States, or last documented under such laws, is rebuilt, and any part of the rebuilding, including the construction of major components of the hull and superstructure of the vessel, is not effected within the United States, its Territories (not including trust territories) or its possessions, a report of the circumstances of such rebuilding shall be made to the Secretary of the Treasury, upon the first arrival of the vessel thereafter at a port within the customs territory of the United States, if rebuilt outside the United States, its Territories (not including trust territories), or its possessions, or, in any other case, upon completion of the rebuilding, in accordance with such regulations as the Secretary may prescribe."

SEC. 3. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the purposes of this Act.

SEC. 4. This Act shall be effective from the time of enactment hereof: *Provided, however*, That no vessel shall be deemed to have lost its coastwise privileges as a result of the amendments made by this Act if it is rebuilt within the United States, its Territories (not including trust territories), or its possessions under a contract executed before such date of enactment and if the work of rebuilding is commenced not later than twenty-four months after such date of enactment.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPROACH ROADS TO FERRY FACILITIES

The Clerk called the bill (H.R. 11240) to amend title 23, United States Code, to provide for participation of Federal-aid highway funds in the construction of approach roads to ferry facilities on the Federal-aid system.

Mr. FORD. Mr. Speaker, at the request of another Member, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. Ford]?

There was no objection.

PRINCESS ANNE COUNTY SCHOOL BOARD, VIRGINIA

The Clerk called the bill (H.R. 11136) for the relief of the Princess Anne County School Board, Virginia.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPOSITION OF CONTRIBUTIONS OF CERTAIN ANNUITANTS AND OTHER BENEFITS UNDER THE CIVIL SERVICE RETIREMENT ACT

The Clerk called the bill (S. 2857) to amend the Civil Service Retirement Act so as to provide for refunds of contributions in the case of annuitants, whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such act.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CREDITING FOR RETIREMENT AND LEAVE PURPOSES OF CERTAIN INTERNMENT PERIODS OF EMPLOYEES OF JAPANESE ANCESTRY IN WORLD WAR II

The Clerk called the bill (H.R. 7810) to credit periods of internment during World War II to certain Federal employees of Japanese ancestry for purposes of the Civil Service Retirement Act and the Annual and Sick Leave Act of 1951.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide benefits for certain Federal employees of Japanese ancestry who lost certain rights with respect to grade, time in grade, and rate of compensation by reason of any policy or program of the Federal Government with respect to persons of Japanese ancestry during World War II", approved July 15, 1952 (66 Stat. 634; 5 U.S.C. 1076), is amended by adding at the end of such section the following: "Each period of internment, and each period during which any such loss of opportunity for or denial of appointment, or denial of reinstatement, or separation from the service, was in effect, by reason of such policy or program, shall be held and considered to be creditable service for the purposes of the Civil Service Retirement Act and the Annual and Sick Leave Act of 1951."

With the following committee amendment:

On Page 2, immediately following line 8, add a new section 2, as follows:

"Sec. 2. Notwithstanding any other provision of law, any civil service retirement benefits resulting from the amendment made by this Act shall be paid from the civil service retirement and disability fund."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POWEROAT SERVICE IN ALASKA

The Clerk called the bill (S. 1849) to amend the act of August 10, 1939, au-

Public Law 86-587
86th Congress, S. 3485
July 5, 1960

AN ACT

To amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b) to (d), inclusive, of section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended, 5 U.S.C. 73b-3) are amended to read as follows:

“(b) Appropriations for the departments shall be available in accordance with regulations prescribed by the President, for expenses of travel of persons appointed, and of student trainees when promoted upon completion of college work, to positions in the United States for which there is determined by the Civil Service Commission to be a manpower shortage, and for expenses of transportation of their immediate families and their household goods and personal effects and for advances of funds to the extent authorized by section 1 (a) and (b) of this Act, from their places of actual residence at time of selection or promotion to their duty station. Travel and transportation expenses shall not be paid upon promotion of a student trainee after completion of college work if such expenses were paid upon his appointment as a student trainee. Such travel expenses may include per diem and mileage allowance as provided for civilian officers and employees by the Travel Expense Act of 1949, as amended. Travel and transportation expenses may be allowed whether the person selected has been appointed or not at the time of such travel. However, the travel and transportation expenses authorized by this subsection shall not be allowed unless the person selected or promoted shall agree in writing to remain in the Government service for twelve months following his appointment or promotion unless separated for reasons beyond his control and acceptable to the department or agency concerned. In case of violation of such agreement, any moneys expended by the United States on account of such travel and transportation shall be recoverable from the individual concerned as a debt due the United States.”

“(c) The authority of the Civil Service Commission to determine for purposes of this Act positions for which there is a manpower shortage shall not be delegated.

“(d) Nothing contained in this section shall impair or otherwise affect the authority of any department under existing law to pay travel and transportation expenses of persons designated in subsection (b) hereof.”

SEC. 2. This Act shall take effect as of August 25, 1960.

Effective date.

Approved July 5, 1960.

